JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1938

VOL. III

Held in the State Capitol, in the Capital City of Kentucky,
at Frankfort, in the year of Our Lord 1938 and in
the One Hundred and Forty-Sixth year
of the Commonwealth

Begun on the fourth day of January and adjourned sine die
on the first day of March, 1938

BROOKS L. HARGROVE, *Chief Clerk*
MARSHALL BARNES, *Assistant Clerk*
JANE ADDAMS WADDLE, *Stenographer*

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THURSDAY, FEBRUARY 17, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Leonard Carson	F. E. Daugherty
Geo. P. Anderson	George S. Clay	L. M. Davisworth
J. Everett Bach	H. S. Cleveland	Sam Dever
William T. Baker	T. Fowler Combs	Forest C. Easley
B. F. Bedford	Herbert Cook	Garland Embry
Rell Bevins	John C. Cornett	Archie H. Eversole
F. C. Boyd	G. Cunningham	Raymond Eyl
C. P. Bradbury	Norman A. Curtis	Chas. P. Farnsley
C. C. Byrne	William J. Curtis	Ferd A. Gnau
J. F. Carr	Willard Q. Daniel	C. A. Hale

Ralph Hamilton	John B. Mollette	Leon J. Shaikun
S. T. Hamilton	William E. Mull	W. S. Shanklin
C. L. Hammons	Tyler F. Munford	Parker Sims
Ira W. Hulette	Rodes K. Myers	Wm. St. C. Stuart
John M. Hunnicutt	Alfred A. Naff	A. Frank Tabb
W. H. Hunt	Homer Neikirk	W. R. Tapp
Ben W. Johnson	Luster C. Oxley	Carl M. Taylor
William K. King	Henry Plum	Gabe B. Taylor
Clyde D. Lester	H. O. Porter	Erna E. Tyra
Carl Lyttle	Kleber F. Price	S. J. Wagner
John Marshall	E. F. Prichard	Cass R. Walden
D. T. Matlack	Grover C. Ransom	Joe L. Wall
Peter P. Mattingly	Hobart Rayburn	Henry Ward
C. C. May	Hubert H. Read	H. L. Waterfield
M. T. McCarthy	Thomas Rigdon	L. Roger Wells
T. B. McConnell	E. S. Robey	R. E. West
Elmer McGlothen	Joe E. Robinson	J. D. White
H. H. McGuire	John C. Robinson	John M. Williams
J. H. McKinney	William T. Rollo	W. G. Williams
G. Samuel Milam	E. A. Rose	Lee Roy Wilson
Alton Mitchell	Clarence Rush	Terrill A. Wilson
Stanley C. Moebus	Carl Scheben	James W. Young

Mr. Moebus moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons moved that Master James Dempsey White, son of The Honorable J. D. White, member of this House, be appointed an Honorary Page of the House.

Said motion was agreed to.

Mr. Prichard moved that the privilege of the floor be extended to Mrs. Gene Lair, Miss Betty May, Mr. Gene Lair and Mr. Virgil Gaitskill of Bourbon county.

Said motion was agreed to.

Mr. Hunnicutt moved that the privilege of the floor be extended to Mr. Jack Barnes.

Said motion was agreed to.

Mr. Mattingly moved that the privilege of the floor be extended to Mr. Harry C. Smith, Mayor of Owensboro, and Mr. Harry Holder of McLean county.

Said motion was agreed to.

Mr. Carl M. Taylor moved that the privilege of the floor be extended to Mr. Ozna Shults.

Said motion was agreed to.

Mr. Moebus moved that the privilege of the floor be extended to Messrs. Dan Crowe, Howard Sharp, Ben Schewe, William Tharp, August Bertelman, Len Plummer, George Kaufman and Odis Bertelman.

Said motion was agreed to.

Mr. Oxley moved that the privilege of the floor be extended to Mr. Samuel Morris.

Said motion was agreed to.

Mr. McConnell moved that the privilege of the floor be extended to Mr. F. P. Guinni.

Said motion was agreed to.

Mr. Daugherty moved that the privilege of the floor be extended to Mr. Shelby Howard and William Graham.

Said motion was agreed to.

Mr. Rollo offered the following resolution, viz:

Be It Resolved by the House of Representatives, That the Clerk of this House be instructed to have printed two hundred copies of Col. Foster's speech before the House for the use of the members of the House.

Said resolution was adopted.

Mr. Prichard moved that the vote by which a bill entitled:

H. B. 375. An Act providing for the regulation and operation of lawful coin or token operated vending machines or devices;

Was rejected,

Be reconsidered.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Neikirk and Mollette, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Norman A. Curtis	S. T. Hamilton
J. Everett Bach	William J. Curtis	C. L. Hammons
B. F. Bedford	F. E. Daugherty	Ira W. Hulette
Rell Bevins	Forest C. Easley	John M. Hunnicutt
F. C. Boyd	Archie H. Eversole	Clyde D. Lester
C. C. Byrne	Raymond Eyl	Carl Lyttle
H. S. Cleveland	Ferd A. Gnau	Peter P. Mattingly
T. Fowler Combs	C. A. Hale	C. C. May

J. H. McKinney	E. S. Robey	Gabe B. Taylor
G. Samuel Milam	Joe E. Robinson	S. J. Wagner
Tyler F. Munford	John C. Robinson	Cass R. Walden
Rodes K. Myers	William T. Rollo	R. E. West
Henry Plum	Clarence Rush	J. D. White
H. O. Porter	Carl Scheben	W. G. Williams
Kleber F. Price	W. S. Shanklin	Terrill A. Wilson
E. F. Prichard	Parker Sims	James W. Young
Hobart Rayburn	W. R. Tapp	Z. Taylor Young
Thomas Rigdon	Carl M. Taylor	—53

Those who voted in the negative were—

J. F. Carr	William K. King	Homer Neikirk
Leonard Carson	John Marshall	Grover C. Ransom
George S. Clay	D. T. Matlack	Leon J. Shaikun
Herbert Cook	T. B. McConnell	A. Frank Tabb
John C. Cornett	Elmer McGlothen	Erna E. Tyra
Willard Q. Daniel	H. H. McGuire	Joe L. Wall
Sam Dever	Stanley C. Moebus	Henry Ward
Garland Embry	John B. Mollette	H. L. Waterfield
Ralph Hamilton	William E. Mull	Lee Roy Wilson
W. H. Hunt	Alfred A. Naff	—29

Thereafter such reconsideration, Mr. Prichard moved that said bill, with the amendment thereto, be laid on the Clerk's desk.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 94. An Act to provide for the incorporation and regulation of non-profit Hospital Service Corporations.

H. B. 100. An Act to repeal, amend and re-enact Section 136d-1 of Carroll's Kentucky Statutes, 1936 Edition, be-

ing part of the Acts of the General Assembly of the 1936 regular session and Chapter 7 of said Acts, all of which relate to the employment of stenographers to the county attorney in counties containing cities of the third class.

H. B. 137. An Act repealing and re-enacting Sec. 2739g-34a, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to driving a motor vehicle while intoxicated etc.

H. B. 261. An Act providing penalties for fraud on hotel keepers and inn keepers, and repealing Sec. 5 of Chapter 12 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1896, etc.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolution which originated in that body, entilted:

S. B. 35. An Act to prevent the spread of venereal diseases through marriage and to provide for an antenuptial physical examination to determine the presence of venereal diseases and to provide a penalty for the violation of the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person making application for license to marry shall at any time within fifteen days prior to such application be examined as to the existence or non-existence in such person of any venereal disease, and it shall be unlawful for the County Clerk of any County to issue a license to marry to any person who shall have failed to present and file

with such County Clerk a certificate setting forth that such person is free from any venereal disease. In order to obtain a certificate as required in this Act, each party to a proposed marriage shall, within fifteen days prior to making application for license to marry, submit to medical examination for the presence of venereal disease. Such examination shall include physical examination and laboratory test or tests. All laboratory tests required by this Act shall be made by the State Department of Health of Kentucky, or a laboratory which is approved by the State Board of Health of Kentucky. Such tests as may be made by the State Department of Health of Kentucky shall be free of charge. Laboratory tests shall include a Khan test for syphilis, a dark field test where indicated, or any other recognized test or tests approved by the State Board of Health of Kentucky, and microscopic test for gonococci when indicated. Each specimen for laboratory tests for syphilis and for gonorrhea shall be submitted in a manner prescribed by the State Board of Health of Kentucky. If, on the basis of negative laboratory and clinical findings the physician in attendance finds no evidence of venereal disease, he shall issue a certificate to the examinee to that effect on a form prescribed by the State Health Commissioner of Kentucky. Such certificate of negative findings as to each of the parties to a proposed marriage shall be filed with the County Clerk at the time application for a license to marry is made.

Provided: In the event that the female applicant for marriage license makes an affidavit to the effect that marriage is necessary for the reason that she is with child and that such marriage will confer legitmacy on the unborn child, the County Judge of the County where the application for marriage license is made is hereby empowered and authorized to hear and determine on medical testimony the question of pregnancy and on adjudging that pregnancy exists shall order the County Clerk to issue the marriage license provided all the other requirements of laws regulating the issuance of

marriage licenses are complied with even though the physical examination and laboratory test or tests reveal that one or both have a venereal disease or diseases and in said order the County Judge shall further provide that one or both having venereal diseases or diseases shall be treated for same as provided by the State Board of Health of Kentucky.

Provided further: If both applicants for a marriage license have the same venereal disease or diseases and if there exists sterility in one or both of said applicants, the County Judge of the County where the application for marriage license is made is hereby empowered and authorized to hear medical testimony on the question of the existence of sterility and of the probability of spread of said venereal disease or diseases through marriage and on adjudging that sterility exists in one or both of said applicants and that both said applicants have the same venereal disease or diseases shall order the County Clerk to issue the marriage license provided all other requirements of laws regulating the issuance of marriage licenses are complied with and in said order the County Judge shall further provide that both parties to said proposed marriage shall be treated for venereal disease or diseases as provided by the State Board of Health of Kentucky.

§ 2. When an applicant has been refused a marriage license, such applicant shall have the right to appeal within sixty (60) days from the date of such refusal to the circuit Court, in the county wherein application was denied. The Court shall try such appeal summarily without the intervention of a jury upon the evidence and certificate or certificates of the medical examiner or examiners, and such other pertinent evidence as may be offered and if the applicant is found free of venereal disease the Court shall order the County Clerk to issue a license, provided all the other requirements of laws regulating the issuance of marriage licenses are complied with.

§ 3. A license issued in accordance with the provisions

of this Act shall be valid for thirty (30) days, after which time it shall become invalid.

§ 4. Any County Clerk who shall unlawfully issue a license to marry to any person who fails to present and file a certificate as required in this Act and any physican who shall knowingly and willfully make any false statement in any certificate given by such physician under this Act and any other person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred ($100.00) Dollars or imprisoned for not more than thirty (30) days in jail, or both.

S. B. 134. An Act relating to Firemen's Pension Funds in Cities of the First Class; providing for their creation and administration; providing for Boards of Trustees to administer such Pension Funds; providing for the election and organization of such Boards, and defining their powers and duties; providing for the financial support of such Pension Funds; providing for the classes of beneficiaries of such Pension Funds, and the amount of pension to be paid such beneficiaries. This Act shall be known as the "John Trager Firemen's Pension Fund".

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In every City of the first class, there is hereby created a "Board of Trustees of the Firemen's Pension Fund", to be elected as hereinafter directed, and also a Firemen's Pension Fund to be derived from the sources and in the manner hereinafter provided. And said fund shall be managed and disbursed according to the provisions of this Act.

§ 2. The "Board of Trustees of the Firemen's Pension Fund" shall be composed of seven members, two of whom

shall be the Mayor and the Chief of the Fire Department, who shall be, by virtue of their respective offices, members of such Board. Their membership shall continue while in office, and in case of their death, resignation or removal, or on the expiration of their respective terms, their successors shall be ex officio members of such Board. The other members of the Board shall be elected from the members of the Fire Department for the terms, and in the manner hereinafter provided.

The said Board shall have the management and control of the said Firemen's Pension Fund, and of all matters therewith legitimately connected, and shall manage, use and disburse the same for the purposes hereinafter specified. The Board shall have power to adopt and enforce such By-Laws as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, provided that such By-Laws shall not in any wise contravene the provisions of this Act.

Each of said trustees shall, before entering upon the duties of his office, take an oath faithfully to perform the duties thereof.

§ 3. There shall be held on the first Saturday in September, 1938, and annually thereafter an election for the purpose of electing members of the Board of Trustees of such Pension Fund. On or before the 10th day of August preceding, all nominations for such Board shall be filed with the Chief of the Fire Department. Such nominations shall be in writing, and shall be signed by not less than twaney-five members of the Fire Department. No member of the Fire Department shall sign any more nomination petitions than there are vacancies to be filled. Within five days after the close of nominations, the Chief of the Fire Department shall certify in writing to all of the fire companies of said Fire Department the names of those placed in nomination. On said first Saturday in September between the hours of 6 A. M. and 4 P. M. an election shall be held under the supervision of the Captain of said Fire Companies, and each member of the Fire

Department shall vote at the Fire Company of which he is a member. Such members of the Fire Department as do not belong to any specific company shall vote at the office of the Chief of the Fire Department. On the close of the ballot, the Captain of the Fire Company shall, in the presence of the nominees, or their duly authorized agent, open the ballot box, the vote being by secret ballot, and shall canvass the returns. He shall thereupon make a certificate of such canvass, and shall thereupon return such certificate with said ballots in a secure envelope properly sealed, to the Mayor of the City, who shall, on the following Saturday, open all of the certificates so received, and after canvassing all the returns, certify the result to the said Board of Trustees, and thereupn, on the third Saturday in September, the candidate or candidates receiving the highest number of votes shall assume the duties of their office.

At the first election, the two candidates receiving the highest number of votes shall be elected for a period of four years from the date of their assumption of office, as herein provided. The next highest candidate shall be elected for a period of three years; the next highest candidate for a period of two years, and the next highest candidate for a period of one year. Annually thereafter there shall be elected one member of the Board for a term of four years. In the event of a vacancy caused by death, resignation or otherwise, the Board of Trustees shall have power to fill the vacancy until the next regular election, when, in addition to the member then regularly to be elected, there shall also be elected a member or members to fill the vacancy as aforesaid.

§ 4. Said Pension Fund shall consist of (1st) All moneys that may be given to such Board or Fund by any person or persons for the use and purposes for which such fund is created. And such Board of Trustees may take by gift, grant, devise or bequest any money, personal property, real estate or interest therein, or any right of property, and any such gift, grant, devise or bequest may be absolute or in fee

simple, or upon the condition that only the rents, income or profits arising therefrom shall be applied to the purposes for which said fund is established. (2nd) All fines from disciplinary action against any member of the Department. (3rd) All fines from violations of City Ordinances relative to fire prevention and protective regulations. (4th) All moneys, rewards or emoluments of every nature or discription that may be paid or given to the Fire Department, or any of the fire companies of said department. (5th) All revenues that may be received from exhibitions, field days and the like, as may be promoted by members of the Fire Department. (6th) Every member of the Fire Department shall be assessed two per cent (2%) of his salary, when, as and if paid to him, the said assessment to be deducted from said salary and paid over to the Director of Finance, to be by him contributed to the Pension Fund. (7th) There may be levied and set apart by the Legislative Department of all Cities of the First Class, annually, a tax of not more than one and one-half cents on each $100.00 of value of the taxable property in said Cities for said year, to be paid into said Firemen's Pension Fund, for the purposes of said fund as herein declared, and also from and after July 1st, 1940, two per cent (2%) of the gross fire insurance premiums received on all fire insurance policies written or effected on property located in such city of the first class.

§ 5. The Board of Trustees of the Firemen's Pension Fund may at any time, after considering the probable demands upon such fund, determine what part thereof may be safely drawn therefrom for investment for revenue purposes, and having so determined, shall enter their proceedings at length upon their record. And thereupon such Board of Trustees shall determine in what manner it shall be invested, which may be by the purchase of any of the interest bearing bonds of the United States or of any City of the First Class of the State of Kentucky. All securities so purchased shall be deposited with the Director of Finance, who shall collect

all interest due thereon and place the same to the credit of such Pension Fund. The said Director of Finance shall keep a separate account of such Fund, and therein fully and accurately set forth a statement of all money received and paid out by him, and he shall, on the first Monday of January and July of each year make report to the Board of Trustees of the Firemen's Pension Fund, of all moneys received and disbursed by him. The President of the said Board shall execute bond in such sum as the Board may deem adequate, conditioned that he will faithfully discharge the duties of his office, which bond shall be filed with the Comptroller of said City. The Board of Trustees shall make a full and accurate report of the condition of such Pension Fund to the Mayor on the first Monday in October in each year.

§ 6. If any member of said Fire Department shall, while in the performance of his duty, become or be found, upon examination by a medical officer to be agreed upon by such member or said Chief, or in the event they cannot agree upon such medical officer, then by a physician to be chosen by the said chief, a physician chosen by said member and a third physician chosen by said two physicians, ordered by the Chief of the Fire Department, to be physically or mentally disabled so as to render necessary his retirement from all service on the Fire Department, such Chief shall retire such disabled person, and the Board of Trustees shall authorize the payment to such person monthly from the Pension Fund the sum provided in the Next Section. When any member of such Fire Department, or retired member on the Pension Fund thereof dies from any cause whatsoever, and leaves a widow to whom he was married at the time of his retirement, or child or children under eighteen years of age, the Board of Trustees shall authorize the payment to such widow while unmarried, and child or children under eighteen years of age, monthly from the Pension Fund the sum or sums provided in the next section, or if any deceased member shall have a dependent mother or father, the Board of Trustees shall author-

ize the payment to such mother or father monthly from the Pension Fund the sum provided in the next section, provided, however, that no pension shall be paid to the mother or father of a deceased member who leaves a widow entitled to a pension under the provisions of this Act, and if the widow of a deceased member shall remarry, her pension, shall cease, provided that if the pension of the widow of a deceased member shall have ceased by virtue of her remarriage, and if the person to whom she was remarried was a retired member of the Fire Department who was himself entitled to a Pension, then upon the decease of the member to whom she was so remarried, she shall again be entitled to receive a pension as the widow of a deceased member as though she had not been remarried. If at any time there should not be sufficient money or funds to the credit of the said Pension Fund to pay to each beneficiary the full amount per month to which such beneficiary may be entitled, then and in that event, an equal percentage of such monthly payments shall be made to each until such Fund is so replenished as to warrant payment in full to each of such beneficiaries. All employees of the Fire Department, on the establishment of the Firemen's Pension Fund herein provided for shall become members of said Fund, and be entitled to all of the benefits thereof, and shall pay the assessments herein provided, and be subject to all the other provisions of this Act and all amendments thereof. All those beneficiaries drawing pensions at the time of the effective date of this Act from any Firemen's Pension Fund heretofore created by Statute or Ordinance of a City of the First Class shall continue to draw such pensions from the Pension Fund created by this Act until their respective rights to such pensions shall terminate for the causes upon which their respective pensions were granted to them.

§ 7. The sums to be paid to permanently disabled members and widows and orphans or dependent mothers or fathers shall be as follows: Upon retirement with such disability during service, a member shall receive fifty per cent.

(50%) of the average monthly wage received by him during the five years previous to his retirement, and in the event of his decease while in such service or after such retirement, the widow shall receive a like pension which shall be for her benefit and that of her children under eighteen years of age, and in the event that at the time of the death of such retired fireman, he leaves no widow, but a child or children under eighteen years of age, such child or children shall receive a like pension as long as such child or children remain under eighteen years of age, which pension shall be for the benefit of those children under eighteen years of age. In the event the dependent mother or father shall be entitled to the pension as provided in the Section just preceding this one, then such dependent father or mother shall receive that portion of the pension a widow would have received had there been a widow, as represents the proportion of the support they received from such son, a member of the Fire Department, during his lifetime. Any member of the Fire Department who has been in such service twenty years or more, and has reached the age of fifty-one (51) years may upon written application to the Chief of such Fire Department, or upon the request of the Director of Safety, or of the Board of Trustees, be, without medical examination or disability, retired from all service from such Fire Department, and upon such retirement, the Board of Trustees shall authorize the payment to such retired member of the pension equal to that he would have received upon retirement with disability as hereinbefore provided.

Any member of such Fire Department who has reached the age of sixty-two (62) years, and has served twenty (20) years in the Department, shall, unless such fireman be, by the Chief of the Fire Department, or the Director of Safety, declared unusually efficient, and retained on the active force, be retired, and on such retirement shall receive such pension as he would have received upon voluntary retirement as herein provided. The pension of the dependents of such retired

members shall be the same in case of death after retirement as provided for dependents of those who die in the service, or after retirement with disability.

§ 9. After any member of such Fire Department shall have been retired upon pension by reason of disability, the Board of Trustees shall have the right, at any time, to cause such retired member again to be brought before it, and again examined by competent physicians and surgeons, and shall also have the right to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll; but he shall remain upon the pension roll until reinstated in the service of the Fire Department, except in case of dismissal or resignation. Such retired member shall be entitled to notice and to be present at the hearing of any such evidence. He shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce evidence on his own behalf. All witnesses so produced shall be examined under oath, and any member of such Board of Trustees is hereby authorized to administer such oath to such witnesses. The decision of such Board shall be final, and no appeal shall be allowed therefrom, nor shall the same be reviewable by any Court or other authority.

§ 10. The payment of all pensions shall be made by warrant drawn by the order of the Board of Trustees, signed by the President and counter-signed by the Secretary.

§ 11. No part of such Pension Fund shall, either before or after any order for the distribution thereof to members of such Fire Department, or to the widows or guardians of any such child or children, or to the dependent father or mother of any deceased, disabled or retired member of such Force, be held, seized, taken, subjected to, detained, levid on by virtue of any attachment, execution, judgment, writ interlocutory or other order, decree or process, or proceedings of any nature whatsoever issued out of or by any Court in this or any other State for the payment or satisfaction, in whole

or in part, of any debt, damages, claim, demand, judgment, fine, amercement of such member of his widow or children, or of the dependent mother or father, or children, or of the dependent mother or father of any deceased member; but the said Fund shall be sacredly kept, secured, promoted and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever; Provided, That said Board may annually expend such sum as it may deem proper for such Fund for the necessary expenses connected therewith.

§ 12. The Director of Finance is hereby made the custodian of all the moneys belonging to such Firemen's Pension Fund, and all moneys belonging thereto shall be promptly paid to him. He shall be liable on his bond as such Director for the faithful performance of all the duties imposed upon him by the provisions of this Act in relation to the Firemen's Pension Fund, and for the faithful accounting for all moneys and securities which may come into his hands belonging thereto, and he shall keep a separate account thereof which shall at all times show the true condition of such Fund.

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against an insured closed institution, of all depositors, whose deposits have been paid, or for the payment of which funds have been made available; and providing for the repeal of all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever any banking institution which is a member of, or whose deposits are insured by, the Federal Deposit Insurance Corporation shall have been closed and said Federal Deposit Insurance Corporation shall pay or make available for payment and insured deposit liabilities of such

closed institution, said Corporation shall be and become subrogated by operation of law to all rights against such closed banking institution of each owner of a claim for deposit to the extent of such payment.

§ 2. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

S. B. 187. An Act to regulate the caravaning of motor vehicles upon the public highways of this Commonwealth; defining the term "caravaning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The term "caravaning" as used in this Act shall mean the transportation from without the Commonwealth of any motor vehicle operated on its own wheels, or in tow of another motor vehicle, for the purpose of selling or offering the same for sale to or by any agent, dealer, manufacturer's representative, purchaser or prospective purchaser, whether such agent, dealer, manufacturer's representative, purchaser or prosepective purchaser may be located within or without this state. The caravaning of motor vehicles as herein defined shall be considered as the transportation of property for hire by motor vehicle and shall be subject to all the laws of this Commonwealth relative to the transportation of property for hire by motor vehicle upon the public highways of this Commonwealth.

§ 2. No person, firm or corporation shall use any highway in this state for caravaning motor vehicles unless and until there shall first have been secured from the Department of Motor Transportation of the Commonwealth of Kentucky a special permit as to each vehicle so caravaned, for use of the highways of this Commonwealth in caravaning

such vehicle, which permit shall be displayed by posting the same upon the windshield of such vehicle or in other prominent place thereon where it may be readily legible. It shall be unlawful to operate three or more vehicles or groups of vehicles in caravan unless a space of at least one hundred fifty feet shall at all times be maintained between each vehicle or group of vehicles being so caravaned.

§ 3. As a condition precedent to the issuance of any special permit provided for in the previous section of this Act the Department of Motor Transportation of the Commonwealth of Kentucky shall charge and collect a fee of Seven Dollars and Fifty Cents ($7.50) for each motor vehicle for which a caravan permit may be issued, whether such vehicle be operated under its own power or in tow of another motor vehicle, provided, however, that no such permit shall be issued by the said Department of Motor Transportation unless and until the applicant therefor shall have produced evidenced to the satisfaction of said Department of Motor Transportation that all of the laws of this Commonwealth relating to the transportation of property upon the public highways for hire shall have been complied with.

§ 4. No permit issued under this Act for caravaning motor vehicles or vehicles shall be transferable either as between persons or as to the vehicle for which it is issued, and shall only be valid for the trip to be specified, and in no event shall permit be valid for a period more than three days after it shall have been issued. Such permit shall contain such information and be in such form and shall be issued under such rules and regulations as may be prescribed by said Department of Motor Transportation. Such permit shall be conditioned upon the permittee complying with all laws of the Commonwealth of Kentucky.

§ 5. The fee paid for any caravaning permit issued under this Act shall be in lieu of all other registration fees and license fees for the use of the public highways in this Commonwealth by motor vehicle during the period that such

motor vehicle may be operated under and in accordance with such permit upon the public highways in this Commonwealth; provided, however, that nothing in this section shall exempt the owner or operator of such vehicle from compliance, except with respect to fees or license charges, with all laws of this Commonwealth now or hereafter adopted, relating to the transportation of property for hire.

§ 6. Any person, firm or corporation complying with Section 2739g-6 of Carroll's Kentucky Statutes, 1936 Edition, shall be exempt from the provisions of this Act.

§ 7. All fees from the issuance of permits collected by the Department of Motor Transportation under this Act shall be paid in the same manner as all other fees are now being paid by the said Department of Motor Transportation.

§ 8. Violation of the provisions of Section 2 or of Section 4 of this Act is a misdemeanor punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

S. B. 194. An Act to amend subdivision 1 of Article V of Chapter 32 of the Kentucky Statutes by the inclusion therein of a new section, 768-a, to be inserted after Section 768, in Carroll's Kentucky Statutes, Baldwin's Revised Edition, 1930, to extend the powers of railroad companies so as to authorize railroad companies (1) to engage in the business of transporting persons and property as common carriers by motor vehicles on the highways and by aeroplanes in the air, and (2) to purchase or lease the property, rights and franchises of any individual, firm or corporation engaged in motor vehicle or air transportation, to subscribe to or otherwise acquire the capital stock of any motor carrier or air company and to make any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged in motor vehicle or air transportation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subdivision 1 of Article V of Chapter 32 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, be and the same is amended by adding thereto a new section, 768-a, to follow Section 768, and to read as follows:

"Section 768-a. In addition to the powers now conferred upon railroad companies, every such company heretofore or hereafter created under the laws of this State shall have the power and right (1) to engage in the business of a common carrier for the transportation of persons and property by motor vehicles operated upon the highways and by aeroplanes in the air, and (2) to purchase or lease the property, rights and franchises of any individual, firm or corporation engaged in transportation of persons and property by motor vehicles upon the highways or by aeroplanes in the air, and to subscribe to or otherwise acquire the capital stock of any such corporation, or make any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged or authorized to engage in either of said methods of transportation; provided, however, that all railroad companies exercising in this State the powers herein granted shall, in their operation of motor vehicles, be deemed common carrier operators of such vehicles and be subject to all the laws of this State applicable to, or authorizing, regulating and governing, such motor carriers and their business, or prescribing the conditions under which common carrier operators of motor vehicles may operate such vehicles upon the highways of this State. All railroad companies organized under the laws of other States, but authorized to do business in this State may exercise in this State the powers hereinabove granted to companies organized under the laws of this State, subject, however, to the limitations hereinabove set forth."

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the price of said tobacco sold in the Commonwealth of Kentucky and that said committee shall further be empowered to examine the books, records and other evidence concerning the sales or purchase of tobacco of any warehouse selling tobacco in the Commonwealth of Kentucky and to examine under oath any purchaser of tobacco in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the Senate, the House concurring therein:

That the President of the Senate and the Speaker of the House of Representatives appoint a committee consisting of five members of the General Assembly, two members of said Committee to be selected from the members of the Senate and three from the members of the House of Representatives of the 1938 General Assembly, the members selected from the Senate shall be appointed by the President of the Senate and those from the House by the Speaker of the House.

The Committee when so selected as herein provided, shall investigate the prices and selling conditions of unmanufactured tobacco sold in the Commonwealth of Kentucky and the said Committee shall have power to investigate the general condition of the tobacco markets in Kentucky and shall have power to summon witnesses, administer oath and examine the records, books and other evidence of any tobacco warehouse or other person or persons engaged in the selling of

unmanufactured tobacco in Kentucky and shall be further empowered to examine under oath any buyer of unmanufactured tobacco in Kentucky and to examine any records, books or other evidence in the possession of said buyer and it shall be the duty of said Committee to examine into and report their findings in regard to the unsettled condition of prices of unmanufactured tobacco in the Commonwealth of Kentucky and to determine, if they can do so, the causes thereof, and they shall make their report to the Governor of the Commonwealth of Kentucky and to the General Assembly if in session, either regular or special, when said report is ready.

Said Committee shall serve without pay, but shall be paid their actual and necessary expenses while making the investigations herein provided for, and said expenses shall be paid out of the general fund.

Whereas, the tobacco markets in the Commonwealth of Kentucky are now in a state of chaos, and tobacco being a major crop in the Commonwealth of Kentucky, and,

Whereas, the farmers of the state of Kentucky have been unable to dispose of their 1937 crop of Tobacco in an orderly manner and the prices have fluctuated from day to day on the various tobacco markets and the same grades of tobacco selling one day at considerably lower price per pound than they sold at the same market a few days previous, all of which would indicate that an unfair advantage is being taken of the tobacco growers in the Commonwealth, of Kentucky, and,

Whereas, this fluctuation in price, as above indicated, has caused, and will cause, the farmers of Kentucky to lose a considerable amount of money for their crop of tobacco raised in the year 1937, an emergency is hereby declared to exist, and this resolution shall become effective when properly passed and signed by the Governor.

Ordered that said bills and resolution be printed and referred

To Committee on Rules.

Mr. Wagner moved that the Clerk of this House be directed to have printed and furnish to the members of the House two hundred additional copies of H. B. 27.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Hunnicutt moved that The Honorable W. H. Hunt of the county of Muhlenberg be requested to address the House for fifteen minutes and give an account of his efforts in the rescue of Floyd Collins from Sand Cave.

Said motion was agreed to.

Thereupon Mr. Hunt took his place at the Clerk's desk, where he gave a detailed account of the attempted rescue and the final recovery of the body of Floyd Collins who was trapped in Sand Cave.

At the instance of the Committee on Rules the following bills and resolutions were introduced, viz:

By Mr. Hale.

H. B. 408. An Act creating and establishing as part of the primary system of highways of the Commonwealth of Kentucky a certain road in Calloway County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is now established as part of the primary system of highways of the Commonwealth of Kentucky a road in Calloway County, beginning at Frank Beaman and Wiswell road and extending north by Noah Paschall's home to Coldwater road.

By Mr. Charles Anderson.

H. B. 409. An Act to prohibit discrimination and intimidation on account of race or color in employment under contracts for public buildings or public works in the State of Kentucky, and fixing penalties therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That every contract for or on behalf of the State of Kentucky or any of the Cities thereof, for the construction, alteration, or repair of any public building or public work in the State of Kentucky shall contain provisions by which the contractor agrees:

(a) That in the hiring of employees for the performance of work under this contract or any subcontractor hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race or color, discriminate against any citizen of the State of Kentucky who is qualified and available to perform the work to which the employment relates;

(b) That no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race or color;

(c) That there may be deducted from the amount payable to the contractor or subcontractor by the State of Kentucky or any City thereof, under this contract, a penalty of Ten Dollars for each person for each calendar day during

which such person was discriminated against or intimidated in violation of the provisions of this contract; and

(d) That this contract may be cancelled or terminated by the State of Kentucky or by any city thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

By Mr. Gnau.

H. B. 410. An Act to Provide For the Sharing of Primary or General Election Expenses on a Proportionate Basis by Cities and Counties in Counties Containing Cities of the First Class, and Providing for the Repeal of Conflicting Acts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Proportionate sharing of election expenses by City and County.* In all counties containing a city of first class the expenses incident to the holding of either a primary or a general election (such expenses to include the cost of delivering ballot boxes, booths, and office supplies to the polling places, the cost of office supplies, general plant equipment, advertising, the rent of polling places, and the salaries of election commissioners and tabulators, but not including the salaries of election officials stationed at polling places, which expenses shall continue to be borne by the county in the manner as now provided by law) shall be divided and borne proportionately by said first class city and by said county, as follows:

The number of city offices and the number of state, county and district offices to be voted on by the electors of each precinct shall be counted for each precinct in said city and county and the percentage of such city and such state, county and district offices to be filled in each precinct shall be determined for such precinct. When all of said individual percentages

have been determined, as aforesaid, such percentages shall be averaged for all precincts. The relation of the final averaged percentage of the city offices to the final averaged percentages of the state, county and district offices shall be the proportion of the total election expenses which are to be borne by the city and by the county, respectively.

§ 2. Repeal of conflicting acts. All acts or parts thereof in conflict with the provisions of this act are, to the extent of such conflict, hereby repealed.

By Mr. Hunt.

H. B. 411. An Act to regulate the businses of mining; to provide for the qualification of miners; for examination of miners before examining boards and for the appointment of such boards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after January 1, 1939, it shall be unlawful to employ any person in the work of underground mining for minerals, unless such person so employed shall have worked in such mining business for six months; or shall be the holder of a certificate of qualifiification issued by a Board of Mining Examiners hereinafter established; provided that nothing herein shall prohibit the employment of an apprentice or learner in the mining business for a period not exceeding six months preparatory to an examination for a certificate. Any person desiring to take this examination must work with a practical miner for three months before taking this examination.

§ 2. The Chief of the Department of Mines within ninety (90) days from the time this Act takes effect, and with the approval of the Governor, shall divide the Commonwealth

into seven or more Examination Districts, so located as to serve conveniently the various mines of the Commonwealth.

§ 3. The Governor on the nomination of the Chief of the Department of Mines and Minerals shall appoint and commission in each Examination District a Board of Mining Examiners to be composed of three members, who shall serve without expense or compensation from public funds, for a term of four (4) years from date of their commission. Each member of said board shall hold a first class certificate as such, and be a resident within his district. The Board shall elect one of its members as Chairman and one as its Secretary and Treasurer. Detailed written records of examinations and tests including physical examinations shall be kept by the Board as public records, admissible in evidence in the Courts. The Rules and Regulations for the government of the Boards and the forms for examination shall be formulated and promulgated by the Department of Mines and Minerals.

§ 4. Persons applying for certificates of qualification as miners shall submit themselves to the Board for mental and physical examination, and for tests touching their knowledge of mining, its usages and customs and safety and first aid to injured, and by the Board found competent, the Board shall issue to such person so passed a certificate in writing showing his qualification.

§ 5. No person shall be examined who has not first paid to the Treasurer of the Board a fee of Two Dollars and Fifty cents ($2.50). The fund accumulated in the hands of the Treasurer shall be held by him and disbursed under orders of the Board for its stationery, traveling expenses and compensation of members and employees.

§ 6. Any person who shall employ any laborer in the mining business in violation of this Act shall be guilty of a misdemeanor, and on conviction shall be fined Ten Dollars ($10.00) for each offense; and each day any unlawful act continues, shall be deemed to constitute a separate offense.

By Mr. Easley.

H. B. 412. An Act to amend and re-enact Section 2739j-94 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to the Motor Vehicle Law, and providing exemptions to certain classes of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 2739j-94. EXEMPTIONS FROM ACT.—There shall be exempted from the provisions of this Act: One. Motor vehicles for hire while being used exclusively for the transportation of school children and school teachers to and from school, provided such vehicle is operated by, or the compensation for such transportation is paid by, a school district; Two. Motor vehicles for hire operating exclusively within the limits of a city or incorporated town, or within ten miles of its limits, Provided, however, that the operator of any such motor vehicle for the carriage of passengers, operating between any city or incorporated town and a point or points within ten (10) miles of the limits thereof, and over regular routes or between fixed termini, may apply to the commission for a Certificate. The provisions of Article two (K. S. Sections two thousand seven hundred and thirty-nine j-forty-five (2739j-45) to two thousand seven hundred and thirty-nine j-sixty-one (2739j-61) and of Article four (K. S. Sections two thousand seven hundred and thirty-nine j-sixty-nine (2739j-69) to two thousand seven hundred and thirty-nine j-ninety-seven (2739j-97) except sections ten (K. S. Sections two thousand seven hundred and thirty-nine j-seventy-eight (2739j-78), eleven K. S. two thousand seven hundred and thirty-nine j-seventy-nine (2739j-79), twelve (K. S. two thousand seven hundred and thirty-nine j-eighty (2739j-80), thirteen (K. S. two thousand seven hundred and thirty-nine j-eighty-one (2739j-81), fifteen (K. S. Section two thousand

seven hundred and thirty-nine j-eighty-three (2739j-83) and sixteen (K. S. Section two thousand seven hundred and thirty-nine j-eighty-four (2739j-84) of Article four, shall apply to the certificates issued under this proviso and operations thereunder. After the issuance of such certificate, it shall be unlawful for the operator of any motor vehicle for hire, not holding a certificate, to operate in competition with the holder of such certificate, over the route, or any part thereof, covered by such certificate. Three. Any motor vehicle designed primarily for the transportation of property owned or leased by a non-profit, co-operative association, carrying only property belonging to the association or its members, shall be considered to be an owner's truck and exempt from the provisions of this Act (one thousand nine hundred and thirty-two (1932), C. one hundred and four (104), Article four (4) Section twenty-six (26). Four. Any motor vehicle designated primarily for the transportation of property, provided such motor vehicle when unloaded, weigh not more than Fifty-five hundred pounds. Five. Motor vehicles engaged exclusively in the transportation of agricultural, livestock and and dairy products from the farm, market, gin, warehouse, dairy or mill where the weight of the truck and the load does not violate the laws of this State or any other provision of this act, whether such motor vehicle is owned by the owner or producer of such agricultural, farm or dairy product or not, so long as the title remains in the producers and the word "producer" shall include a landlord where the relations of landlord and tenant or landlord and cropper are involved. The phrase "agricultural products" as used in this Act shall include fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval stores, household goods and supplies transported to farms for farm purposes, and/or other usual farm and dairy supplies, and including products of grove and/or orchard, and also poultry and eggs, and also fish and oysters, and all country merchants in rural districts who handle poultry and farm products in pursuance to their own business, and

not for hire, and timber and/or logs being hauled by the owner thereof, or his agents and/or employees between forest and mill or primary place of manufacturer.

By Mr. McKinney.

H. B. 413. An Act amending charters of cities of the third class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; poviding for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. DEFINITIONS. As used in this Act, the following words and terms shall have the following meaning:

(a) The term CIVIL SERVICE includes the offices and positions of trust or employment in the service of the City not specifically excluded, herein, and specifically excluded by Ordinance of such City adopting this Act.

(b) The term APPOINTING AUTHORITY signifies the officer, commission, board, or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

(c) The term EMPLOYEES signifies any person or persons who is employed in the conduct of municipal affairs including those holding an administrative or directorial position as has heretofore been or may hereafter be established for cities of the third class, provided, however, that the Mayor

of any city is not considered an employee within the meaning of this Act.

(d) The term ADMINISTRATIVE OR DIRECTORIAL POSITIONS signified any person or persons who is the head of a department of municipal government as has heretofore been or may hereafter be established.

(e) The word COMMISSION shall mean the board of civil service commissioners as established under the terms of this Act.

(f) The term PENSION FUND shall mean the monies derived from the employees and the levy of a special tax either or both or any other sum derived from any other source by gift or otherwise, to be used for the retirement of employees after the prescribed number of years of service and for the benefit of disabled employees and for the benefit of widows and dependent children in the case of death of an employee within the scope of his or her employment according to the terms of this Act and the Ordinance of such City adopting this Act.

§ 2. That any City of the third class may, by Ordinance, create a civil service commission whose duties it shall be to hold examinations as to the qualifications of applicants for municipal employment within the several departments of such cities as may be designated by Ordinance of such City electing to operate under this Act, and, such City, by Ordinance, may classify employees of said City and designate such class of employees if such City desires to come within the provisions of this Act. When any City of the third class elects to adopt an Ordinance under the provision of this Act for the creation of a pension fund and accepts from its employees a portion of their wages and levies a tax therefor, as provided by terms of this Act and by Ordinance of such City, an inviolable contract shall be created and be in existence by and and between the City as employer and such employees and the City and such employees shall continue to operate under the provisions of this Act and said Ordinance adopting this Act and

a repeal of said Ordinance by said City shall in no wise affect such employees unless by the mutual consent of the City and the said employee or employees.

The Mayor, subject to the approval of the Legislative body of the City, shall appoint three persons who shall constitute the civil service commission of said City, each appointee shall be at least thirty years of age and not related by either blood or marriage to either the Mayor or any member of the Legislative body of the City. Such appointees shall originally be appointed one for a term of one year; one for a term of two years and one for a term of three years, respectively, and the successors to such appointees shall be appointed in like manner, each for a period of three years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as the original appointments. At the time of any appointment not more than two commissioners shall be adherents of the same political party. The appointee who has been originally appointed for the term of three years shall be secretary of the commission. Each appointee before entering upon the discharge of his duties shall qualify by subscribing, taking and filing an oath of office as required by law. The salary of the members of the commission may be fixed by the Legislative body of such City, not to exceed any maximum amount as is prescribed by law.

If the appointing authority of any such City fails to appoint a civil service commission or commissioners, as provided by law, within thirty days after he has the power to so appoint or after a vacancy exists the Mayor pro tem. shall make the appointment and such appointee shall hold office until the expiration of the term, above set out, and until the successor of such appointee is appointed and qualified.

The civil service commission shall prescribe, amend and enforce rules not inconsistent with provisions of this Act or the Ordinance of such City adopting this Act for examinations and registrations therefor.

§ 3. POWERS AND DUTIES OF THE COMMISSION. The civil service commission shall prescribe and propound such examinations as may be deemed proper, commensurate with vacant positions within the various departments of said City, according to the classification as prescribed by Ordinance, and shall set such times and places for holding such examination as may be fit and proper and shall give public notice of such examinations to be conducted at least ten days in advance thereof, by causing a notice to be printed once in the official newspaper, containing all facts appertaining thereto.

The civil service commission shall as soon after all such examinations as is practicable, certify to the Mayor or such other appointing authority of said City, a list of the applicants so examined and that shall be ranked and graded according to the result of the examinations and the highest averages shall be ranked first and all others shall be ranked numerically according to the result of such examinations. Every soldier, sailor, marine, member of the Army nurse corps or Red Cross nurse who has served in the Army or Navy or hospital service of the United States in the war with the Central powers of Europe beteen the dates of April 16th, 1917, and November 11th, 1918, who has been honorably discharged therefrom and is a resident and voter of said City, and who is an applicant for any position in the civil service of said City shall be entitled to five per cent incease on his examination mark.

§ 4. APPOINTMENTS TO BE MADE BY MAYOR OR OTHER APPOINTING AUTHORITY. The Mayor or other appointing authority shall make all appointments to municipal positions under this Act, and the appointments so made shall be taken from the lists of applicants furnished him by the civil service commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the highest averages in the various classes and grades as so certified by the commission.

Whenever there are urgent reasons for filling a vacancy

in any position in classified civil service and the commission is unable to certify to the appointing officer upon request by the latter a list of as many as three persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for noncompetitive examination and if such nominee shall be certified by the commission as qualified after such noncompetitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible list prepared by the commission, and such eligible list shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made by the Mayor or other appointing authority without regard to the rules of this Act, but in no case to continue longer than sixty days and in no case shall successive appointments be made; provided, however, that interim or temporary appointments made necessary by reason of sickness or disability of regular officers or employees shall continue only during such period of sickness or disability.

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications such as of a managerial, professional or educational character are required and upon satisfactory evidence that for specified reasons competition in such case is impracticable and that the position can best be filled by a person of high and recognized attainment in such qualities the commission suspend the provisions of the Statute or Ordinance requiring competition in such case.

Where the service to be rendered by an appointee in the classified service or for a temporary period not to exceed sixty days, and the need of such service is important and urgent, the Mayor or appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary

appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment; nor shall the period of temporary service be counted as the part of the probationary service in case of subsequent appointment to a permanent position.

No person shall be certified by the commission to the Mayor or appointing authority from an eligible list more than four times to the same Mayor or appointing authority for the same or a similar position, except at the request of said Mayor or appointing authority, provided that certification for temporary appointment shall not be counted as one of such certifications.

§ 5. PRESENT EMPLOYEES IN SERVICE ONE YEAR. Employees who at the time the provisions of this Act are adopted by any City of the third class that have been in the employ of such City for one year last past shall not be required to withstand an original examination and shall be considered eligible for all the benefits provided in this Act.

§ 6. QUALIFICATIONS OF APPLICANT FOR MUNICIPAL EMPLOYMENT. The civil service commission shall examine all applicants for municipal employment as to their physical and mental qualifications to the particular classification for which the applicants, as defined by Ordinance, are seeking employment. No person shall be eligible to take the examination who is not a registered voter within the City and is known to be a person of sobriety and integrity and had been or is a law abiding citizen, nor shall any person be appointed to municipal employment on account of political partisan service rendered by him, or on account of political sentiment or affiliation, or who is over sixty years of age, nor shall any person in municipal employment under this Act be removed or discharged or reduced in grade or paid for any political opinion, and all applicants must be

twenty-one years of age or over, and must be able to read and write and understand the English language.

§ 7. No employee in the classified service of the City, as designated by the Ordinance of said City adopting this Act shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or any rule or regulation adopted by the Legislative body of the City or any rule or regulation of the civil service commission. Any person may prefer charges in writing against any employee which must be filed in the office of the Mayor or other appointing authority who shall thereupon communicate said charges without delay to the Legislative body of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the Mayor, or other appointing authority, whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon the filing of said charges the Clerk of the Legislative body of the City shall notify the members thereof and shall serve a copy of said charges upon the accused employee together with the statement of the date, place and hour at which and when the hearing of said charges shall begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice.

Upon the hearing said charges shall be considered traversed and put in issue and the trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Legislative body. The Legislative body will have the power to summon and compel the attendance of witnesses at all hearings and sittings by

subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Legislative body shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee, but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty ($0.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Legislative body on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision.

In cases where the Mayor or appointing authority has probable cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspend said employee from duty or from both pay and duty pending said trial and said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative body of the City. The Legislative body of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if said employee's classification warrants same or by combining any two or more of said punishments or by removing and dismissing from the service of the City any employee so found guilty. No such employee, except as provided in the Act shall be reprimanded, removed, suspended or dismissed.

§ 8. APPEAL TO CIRCUIT COURT AND COURT

OF APPEALS. Any employee of the City who shall be found guilty by the Legislative body of any charge as hereinbefore provided shall have the right to appeal to the Circuit Court of the County in which said City is located, provided the punishment by a suspension of more than thirty days or a reduction in grade if his or her classification warrants or his or her removal or dismissal from the municipal employment, provided, the enforcement of the judgment of said Legislative body of said charges shall not be suspended pending said appeal.

Upon the request in writing of the person accused, and the payment of costs therefor the Clerk of the Legislative body shall file a certified copy of the charges made and the judgment or finding of said body in the Circuit Court which transcript having been filed, the cause shall be docketed in the Circuit Court and tried de novo. Should the Clerk of this body fail to certify and transmit the transcript aforesaid to the Circuit Court within five days after the request is made for same, then the aggrieved person may file an affidavit in said Court setting out as fully as possible, the charges made at the time of trial and judgment, together with a statement of the fact that demand for the transcript had been made of the Clerk of the said body more than five days prior to the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said Court and Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory order, and upon the failure of the clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals of Kentucky as in other cases, provided, the original punishment fixed by the Legislative body of the City be removal or dismissal of the accused.

§ 9. NUMBER OF MUNICIPAL EMPLOYEES,

SALARIES. The number of municipal employees and the classification thereof shall be such as the Legislative body of the City may from time to time ordain, and the Legislative body of the City shall fix by ordinance the salaries for each classification of municipal employment.

§ 10. Any such City adopting by Ordinance the provisions of this Act may provide in said Ordinance or by a subsequent Ordinance for a pension fund for the benefit of the employee under the civil service of such City and for that purpose may create a board for the pension fund and designate trustees of said board and may provide for the creation and maintenance of a pension fund by the levy of a tax of not exceeding Five ($0.05) Cents on each One Hundred (100.00) Dollars value of taxable property in said City and may assess monthly such amount or per cent of the salary or wages of said employee as may be equitably determined on a fair actuarial basis not to exceed, however, a per cent greater than five per cent of the monthly salary of such employee and may fix the powers of the trustees of the pension board and determine the eligibility of employees or their dependents to a pension or other benefit and may provide a monthly allowance for said employee eligible for a pension not to exceed, however, one-half of the monthly salary or wage of said employee at the time of his retirement.

§ 11. ACT NOT TO AFFECT CERTAIN STATUTES. It is the intention of this Act that the following sections of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be not affected in any way or manner, expressly, by implication or otherwise: Sections 3351a-1 through 3351a-19, inclusive, said sections of the Statutes being Chapter 132 of the Acts of 1926, and it is the further intention of this Act that the provisions contained in this Act are independent, separate and apart from the laws governing, regulating and prescribing the duties and powers of the police and fire departments as provided in Sections 3351a-1 to 3351a-19, in-

clusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

§ 12. CONFLICTING LAWS REPEALED. All laws or parts of laws in conflict herewith are hereby expressly repealed. If any Section of this Act be held to be invalid or unconstitutional, such fact shall not affect any other Section of this Act, it being the intention of the General Assembly in enacting this Act to enact each Section separately; and if any proviso or exception contained in any Section of this Act shall be held to be invalid or unconstitutional such fact shall not affect the remaining portion of such Section, it being the intention of the General Assembly to enact each Section of this Act and each exception thereto separately.

§ 13. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Carl Taylor.

H. B. 414. An Act creating and establishing as part of the primary system of Highways of the Commonwealth of Kentucky a change in Project No. 45, beginning at Fordsville, Ohio County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Project No. 45, beginning at Fordsville be and it is changed and amended, as follows:

Following Highway No. 12 to Station *687;* thence to Hardinsburg, Kentucky, by way of Askins, Kentucky, and that the change in said primary system of Highways of the Commonwealth of Kentucky, shall be entitled to all the rights, privileges, benefits and conditions of all the laws now in force or which may hereafter be enacted as to the primary road system.

By Mr. Munford.

H. B. 415. An Act to amend and re-enact Section 687 of the Kentucky Statutes (Carroll's 8th Edition—1936 Revision) relating to the character of risks that may be taken; deposit with Treasurer; reports; limit of risk; and liability of officers for exceeding limit.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 687 of the Kentucky Statutes (Carroll's 1930 Edition) relating to character of risks that may be taken; deposit with Treasurer; reports; limit of risk; and liability of officers for exceeding limit, be amended and re-enacted so that said section when amended and re-enacted shall be as follows, to-wit:

687—It shall be lawful for any company organized under this law:

To make any of the following kinds of insurance:

(1) To insure houses, buildings and all other kinds of property against loss or damage by fire, lightning or storm, and to make all kinds of insurance on goods, merchandise and other property in course of transportation, whether on land or water, or, on any vessel or boat, wherever the same may be; (2) to insure against riot and civil commotion; (3) to make all kinds of insurance on goods, merchandise and other property wherever the same may be located; (4) upon the health of persons, or against injury, disablement or death of persons resulting from traveling or general accidents by land or water, and against the liability of employers for injuries to persons in their employment; (5) to guarantee the fidelity of persons holding places of trust, private or public, and to act as surety on official bonds, and for the performances of other obligations; (6) upon the lives of horses, cattle or other live

stock; (7) upon plate glass against breakage; (8) upon steam boilers against explosion and against loss or damage to life or property resulting therefrom; (9) gainst loss by burglary or theft, or both; (10) to examine titles to real property and chattels real, to procure and furnish information in relation thereto, and to make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and guarantee or insure bonds and mortgages, and the owners of real property and chattels real, and others interested therein against loss by reason of defective titles thereto, and other incumbrances thereon; (11) to guarantee and indemnify merchants traders and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loans which it may have made on mortgages; (12) upon automobiles and all other cars and vehicles, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles and all other cars and vehicles against such losses as arise out of the ownership, operation or maintenance of the same, and generally to do and perform all other matters and things proper to promote these objects; and no company organized under this law shall undertake any business or risks not provided for herein. Any company organized for the purposes herein named in Section (5) may become sole surety in all such cases where, by law, one or more sureties are required for the faithful performance of any trust or office; but no clerk or other officer shall be required to accept any such company as surety, and may, before keeping the same, require an examination of the condition and affairs of any such company; and in case where any such company may be accepted as such surety, it shall be lawful for the court or officer taking the bond, or for any officer or fiduciary for

whom the said company shall become surety, to place any bonds, stocks, securities, money or valuables in the custody of such company for safekeeping. No company doing business in this state shall undertake to do any of the several kinds of insurance hereinabove named unless said company shall first have on deposit with the treasurer of this state, or the insurance commissioner, or chief financial officer of some other state of the United State, the sum of one hundred fifty thousand dollars, and an additional sum of sixty thousand dollars for each additional kinds of insurance more than one herein named that such company may undertake in this state; and said deposit shall be invested as required by law. Any company doing more than one kind of business, as herein provided, shall be required to make a separate report and sworn statement for each kind of insurance done, such as is now required of companies doing but one kind of business in this state; and no company organized under this law, or transacting business in this state, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per centum on its paid up capital and surplus exclusive of the amount of any such risk secured by collateral, unless the excess shall be reinsured by the same in some good and reliable company having authority to transact business in this state. But this limitation shall not apply to any bonds or securities furnished to the United States, or to any court or officer thereof. If the directors allow to be insured on a single risk a larger sum than the law permits, they shall be liable for any loss thereof above the amount they might lawfully insure. If a company is under liability for losses equal to its net assets, and the president and directors, knowing it, make or assent to further insurance, they shall be personally liable for any loss under such insurance.

By Mr. Charles Anderson.

H. Res. 72. Resolution authorizing and permitting

Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them, and the Statute of Limitation not to apply until and from the passage of his resolution.

Said resolution is as follows, viz:

WHEREAS, on December thirteen (13), One thousand nine hundred twenty-six (1926), the dormitory for girls at the Kentucky State Industrial College for Colored persons near Frankfort, Kentucky, was destroyed by fire, and

WHEREAS, Omelia Bowen Murphy, was severely, painfully and permanently injured on and about the shoulders, arms, legs, hands and body, and

WHEREAS, it is claimed that the said fire was entirely caused through and by the gross negligence and gross carelessness of the agents, servants and employees of the said Kentucky State Industrial College in the operation of the said institution which is managed, controlled and supported by the Commonwealth of Kentucky, and

WHEREAS, Omelia Bowen Murphy, sustained said serious, permanent and painful injuries because of the alleged carelessness and negligence of the said employees while in the discharge and conduct of the operation of the said state institution for and on behalf of the Commonwealth of Kentucky; Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Omelia Bowen Murphy be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either in the Circuit Court of Franklin County, for such damages as she may have suffered, if any, by reason of any injuries received by her through the carelessness or negligence of the Kentucky State Industrial College, its agents, or employees. Said suit shall be any amount not exceeding the sum of Ten

Thousand ($10,000.00) Dollars, and in the event any judgment is recovered by said Omelia Bowen Murphy in said suit for injuries to herself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Either party to said suit may appeal from the judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney-General of Kentucky in the same way as any other civil suit, and the Statute of Limitation not to apply until and from the passage of this resolution.

By Mr. Marshall.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

Said resolution is as follows, viz:

WHEREAS, on or about October 31, 1933, a truck owned and operated by the State Highway Commission of Kentucky (now Department of Highways of the Commonwealth of Kentucky) collided with a truck owned by Leo Caproni, on a public highway near Vanceburg, Lewis County, Kentucky, and

WHEREAS, the said Leo Caproni claims that the driver of the truck owned by him with without fault or negligence in said collision and that the accident was the result of the gross carelessness and negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky, and

WHEREAS, the said Leo Caproni claims that as the direct and proximate result of said accident and collision he

sustained damages to his truck and to merchandise or property carried upon said truck in the amount of approximately $1,000.00, and

WHEREAS, in the judgment of the General Assembly of the Commonwealth of Kentucky the said Leo Caproni should be permitted to maintain a suit against the Department of Highways of the Commonwealth of Kentucky and/or the Commonwealth of Kentucky, to recover said damages, if it be established that said accident and the resulting damages were the direct and proximate result of the carelesseness or negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky,

Now, therefore, be is Resolved by the General Assembly of the Commonwealth of Kentucky:

That Leo Caproni be and he hereby is authorized, empowered and permitted to sue the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both or them, in the Lewis Circuit Court or in the Franklin Circuit Court, as he may elect, for such damages as he may have sustained, if any, by reason of the aforesaid accident and collision, and in such suit he shall be permitted to show all the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky was negligent in the operation of said truck, and if the jury shall decide that there was negligence on the part of any such employee of said State Highway Commission and that as the direct and proximate result thereof said collision and the resulting damages occurred then the said Leo Caproni may recover from the Commonwealth of Kentucky and/or the Department of Highways of the Commonwealth of Kentucky, such sum as will fairly and reasonably compensate him for such damages, including court costs, the whole amount, however, not to exceed the sum of $1,000.00. In the event a judgment is recevored in such suit by the said

Leo Caproni the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim, either before or after the filing of suit, upon such terms as may be agreed.

The Department of Highways of the Commonwealth of Kentucky, the Commonwealth of Kentucky, and the said Leo Caproni, or either of them, shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

By Mr. Hunnicutt.

H. Res. 74. Joint Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty dollars ($1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of eight hundred and eighty dollars ($880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly of the State of Kentucky, representing the amounts due them for services rendered in 1937 proof reading copies for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

Said resolution is as follows, viz:

WHEREAS, the Honorable Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly rendered services for which he is entitled to the sum of one thousand four hundred and thirty dollars ($1,430.00) pursuant to Section one thousand nine hundred and ninety-one (1991) of the Statutes, and

WHEREAS, the Honorable Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly rendered services amounting to eight hundred and

eighty dollars ($880.00) pursuant to Section 1889a-2 and to Section 1991 of the Statutes, and

WHEREAS, the Auditor of Public Accounts has refused to pay these according to his construction of said Section, which was contrary to the construction of the Attorney General's office, and

WHEREAS, said amounts are just and due and owing to said Clerk and Assistant Clerk, Now Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the sum of one thousand four hundred and thirty dollars ($1,430.00) be and the same is hereby appropriated out of the Legislative Expense Fund to be paid to the said Brooks Hargrove; and the sum of eight hundred and eighty dollars ($880.00) be and the same is hereby appropriated out of the said Legislative Fund to be paid to the said Marshall Barnes; and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the aforesaid sums and to deliver same to the said Brooks Hargrove and Marshall Barnes for the purposes aforesaid.

By Mr. Moebus.

H. Res. 75. Joint Resolution of the Senate and the House of Representatives providing that each Senator and Representative be reimbursed in an amount of Three Dollars ($3.00) per day from the general fund for all expenses incurred while performing official duties, AND DECLARING AN EMERGENCY.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each member of the House of Representatives and the Senate of the Commonwealth of Kentucky shall

be reimbursed in an amount from the general fund of three dollars ($3.00) per day for all expenses necessarily incurred while performing strictly official duties.

§ 2. Whereby the members of the House of Representatives and the Senate of this Commonwealth would be inconvenienced and deprived of the necessary expenses incidental to their official duties an emergency is hereby declard to exist and this Act shall become a law and be effective upon its passage and approval by the Governor.

By Mr. Tapp.

H. Res. 76. Resolution authorizing Mary Utley Brown, administratrix of the estate of Thomas J. Brown, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on or about the twenty-third (23rd) day of January, one thousand nine hundred and thirty-seven (1937), Thomas J. Brown, who was then a Sergeant in the National Guard of the United States, while in the discharge of his duties as such and under command of his Superior Officer in connection with the rescuing and providing for refugees during the flood of that time, near Ashbysburg, Hopkins County, Kentucky, lost his life by drowning due, as it is claimed, to the defective condition of the boat in which he was riding, which filled with water and sank and, whereas, it is claimed that the boat furnished him was unseaworthy due to the neglect of the agents and employees of the Commonwealth furnishing said boat for said services which was the proximate cause of the death of said Brown, Therefore:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, be, and she is hereby authorized

and permitted to sue the Commonwealth of Kentucky, in the Hopkins Circuit Court, the County of the residence of said administratrix, for damages for the loss of life of said decedent Thomas J. Brown. Said suit shall be for any amount not exceeding ten thousand ($10,000) dollars, and in the event any judgment is recovered by said Mary Utley Brown, administratrix of Thomas J. Brown, deceased, in said suit for damages, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

Every party in said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Order that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

H. B. 4. An Act to repeal and re-enact Sec. 1137-1 of Carroll's Kentucky Statutes, 1930 Edition, relating to carrying out the death sentences and providing for electrocution as the mode of carrying out death sentences.

H. B. 153. An Act to amend the Constitution of the Commonwealth of Kentucky relating to annual elections.

H. B. 246. An Act relating to chiropractic; amending and re-enacting chapter 154 of the Acts of the General Assembly of 1932.

H. B. 355. An Act to amend and re-enact Subsec. 5 and 9

of Section 1083-a of Carroll's Kentucky Statutes relating to the administration of justices of the peace in counties having a population in excess of 250,000.

H. B. 357. An Act to amend Article VI, section 4 of Chapter 22 of the Acts of the General Assembly of 1906 being section 4108 Baldwin's 1936 Edition, Carroll's Kentucky Statutes, by providing for the ad valorem taxation of distilled spirits by counties, cities and school districts.

H. B. 370. An Act to amend and re-enact Sec. 17 Chapter 155 of the Acts of the General Assembly of Kentucky enacted at its regular 1893 session, relating to record books required by circuit and county court clerks.

H. B. 378. An Act entitled "An Act to authorize and regulate greyhound breeding and racing in counties having one or more cities of the second class.

H. B. 384. An Act amending and re-enacting Sec. 2739gg-2d, Carroll's Kentucky Statutes, 1936 Edition, relating to registration fees for trucks.

H. B. 387. An Act to repeal, amend and re-enact Sec. 3142b-11 Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 388. An Act to amend and re-enact Sec. 165a-9 of Carroll's Kentucky Statutes, 1936 edition, relating to fees for examination of banks.

H. B. 393. An Act to amend and re-enact Sec. 1234, Kentucky Statutes, Baldwin's 1936 Revision, relating to the jurisdiction of courts of offenses committed by convicts.

H. B. 394. An Act providing for city school Boards in cities of the third class to make contracts with private insti-

tutions for the instruction of students in city schools to obtain a commercial education.

S. B. 34. An Act to authorize Boards of Trustees of public libraries to issue bonds not exceeding $10,000 for equipping buildings etc.

S. B. 26. An Act to repeal Chapter 115 of the Acts of 1916, and enacting in lieu thereof an act to provide a stenographer in the county attorney's office in counties containing cities of the first class.

S. B. 35. An Act to require health certificates before marriage license can be issued.

S. B. 38. An Act to amend and re-enact Sec. 913-1, Kentucky Statutes, 1936 Edition.

S. B. 42. An Act relating to the joint contol with any surety of money or securities or other assets by any administrator, executor, committee, guardian trustee or any other fiduciary for whom a bond, undertaking, or other obligation is required.

S. B. 89. An Act relating to the trapping of animals.

S. B. 92. An Act relating to libraries, creating a board for the certification of librarians and defining powers, prescribing duties.

S. B. 106. An Act providing for the issue of warehouse receipts obligations and rights of warehousemen upon receipts and penalties for violation.

S. B. 154. An Act requiring offices of insurance agents to be regulated within the Commonwealth.

H. B. 392. An Act relating to the improvement of streets in cities of the fifth and sixth classes.

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth.

H. Res. 53. Resolution authorizing Fred Henry Lewis, an infant, by his statutory guardian or next friend, to sue the Commonwealth.

H. Res. 54. Resolution authorizing Oscar Haight, Jr., to sue the Commonwealth.

H. Res. 55. Resolution authorizing Harold Jarnigan to sue the Commonwealth.

H. Res. 56. Resolution for the payment to W. H. Southall of Hopkinsville, a fee for his services in representing T. Fowler Combs in contest hearing.

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth.

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth.

H. Res. 59. Resolution authorizing J. B. Westerfield to sue the Commonwealth.

H. Res. 61. Resolution authorizing H. M. Brock to sue the Commonwealth.

H. Res. 62. Resolution authorizing Lillie Hopkins as administratrix of estate of J. M. Hopkins to sue the Commonwealth.

H. Res. 63. Resolution authorizing Robert Jameson of Beattyville to sue the Commonweath.

H. Res. 68. Resolution appropriating to C. D. Houchins, Judge of Edmonson county court, $70.00 from the general fund.

H. Res. 70. Resolution authorizing E. R. McGuire, doing business at the Grayson Milling Co., to sue the Commonwealth.

H. Res. 71. Resolution authorizing E. E. Sandefur to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 243. An Act repealing and re-enacting Section four thousand two hundred and twenty-nine (4229) Kentucky Statutes relating to statement of premiums collected, amount of taxes thereon and time of payment by foreign insurance companies other than life.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section four thousand two hundred and twenty-nine (4229) of the Kentucky Statutes be and the same is hereby

repealed, and the same is hereby re-enacted so that the same shall read as follows: to-wit—

Every insurance company, other than life insurance companies, not organized under the laws of this State, but doing business therein, shall, on or before the first day of March of each year, return to the Director of Insurance, a statement under oath, of all direct premiums received in this State, or out of this State, for insurance on property or risks in this State during the year ending on the thirty-first day of December last preceding or since the last returns were made, including reinsurance on Kentucky risks received from unauthorized companies, and shall give the name and location of, and the amount of premiums received by each agent, and the losses paid, and shall at the same time pay into the State Treasury a tax of two dollars ($2.00) upon each one hundred dollars of said premiums so ascertained, less return premiums on cancelled policies and policies not taken.

This Act shall not be construed to supersede, modify, amend or repeal Section 4618-91 of the Kentucky Statutes (Reorganization Act).

Section 762b-4 is hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	B. F. Bedford	F. C. Boyd
J. Everett Bach	Rell Bevins	C. P. Bradbury

J. F. Carr	C. L. Hammons	Thomas Rigdon
H. S. Cleveland	Ira W. Hulette	E. S. Robey
T. Fowler Combs	John M. Hunnicutt	William T. Rollo
John C. Cornett	W. H. Hunt	E. A. Rose
Norman A. Curtis	Clyde D. Lester	Carl Scheben
William J. Curtis	John Marshall	Leon J. Shaikun
Willard Q. Daniel	Peter P. Mattingly	Parker Sims
F. E. Daugherty	M. T. McCarthy	A. Frank Tabb
L. M. Davisworth	Elmer McGlothen	W. R. Tapp
Forest C. Easley	J. H. McKinney	Gabe B. Taylor
Garland Embry	G. Samuel Milam	Cass R. Walden
A. H. Eversole	Stanley C. Moebus	Henry Ward
Raymond Eyl	John B. Mollette	H. L. Waterfield
Chas. P. Farnsley	Homer Neikirk	John M. Williams
Ferd A. Gnau	Henry Plum	W. G. Williams
C. A. Hale	H. O. Porter	Lee Roy Wilson
Ralph Hamilton	Kleber F. Price	Terrill A. Wilson
S. T. Hamilton	Grover C. Ransom	James W. Young

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Those who voted in the negative were—

Herbert Cook	Ed F. Prichard	Carl M. Taylor

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Resolved that the title thereof be as aforesaid—

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 259. An Act to repeal, amend and re-enact Section 2790 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2790 of Carroll's Kentucky Statutes, Bald-

win's 1936 Revision, be repealed, amended and re-enacted so that said Section when amended and re-enacted shall read as follows:

"Section 2790. When mayor to take office.—The mayor shall take office on the first day of December, next succeeding his election and shall hold office for a term of four years and until his successor is elected and qualified."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Sam Dever	Elmer McGlothen
Geo. P. Anderson	Forest C. Easley	J. H. McKinney
J. Everett Bach	Garland Embry	G. Samuel Milam
B. F. Bedford	A. Eversole, Jr.	John B. Mollette
Rell Bevins	Raymond Eyl	William E. Mull
F. C. Boyd	Ferd A. Gnau	Alfred A. Naff
C. P. Bradbury	C. A. Hale	Homer Neikirk
C. C. Byrne	Ralph Hamilton	Luster C. Oxley
J. F. Carr	S. T. Hamilton	Henry Plum
George S. Clay	C. L. Hammons	H. O. Porter
H. S. Cleveland	Ira W. Hulette	Kleber F. Price
T. Fowler Combs	W. H. Hunt	Ed F. Prichard
John C. Cornett	William K. King	Grover C. Ransom
Norman A. Curtis	Clyde D. Lester	Thomas Rigdon
William J. Curtis	Carl Lyttle	E. S. Robey
F. E. Daugherty	Peter P. Mattingly	William T. Rollo
L. M. Davisworth	C. C. May	E. A. Rose

Carl Scheben	Carl M. Taylor	H. L. Waterfield
Leon J. Shaikun	Gabe B. Taylor	R. E. West
W. S. Shanklin	Erna E. Tyra	John M. Williams
Parker Sims	S. J. Wagner	W. G. Williams
Wm. St. C. Stuart	Cass R. Walden	Terrill A. Wilson
A. Frank Tabb	Joe L. Wall	James W. Young
W. R. Tapp	Henry Ward	

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Those who voted in the negative were—

Herbert Cook	M. T. McCarthy	Hubert H. Read
Willard Q. Daniel	Alton Mitchell	Clarence Rush
D. T. Matlack	Stanley C. Moebus	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid—

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 274. An Act to repeal, amend and re-enact Sec. 2992 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2992 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, be, and the same is hereby repealed, amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

"Section 2992. Assessment book to remain open; correction of errors.—The assesment books in this section named shall remain open in the assessor's office from the fifteenth to

the thirtieth of September, and any one who thinks that his pesonal property, lands or improvements, or those in which he has an interest, though they be not assessed in his name, have been assesed beyond their value may, before the last named day, file with the assessor his complaint, specifically describing the property claimed to be assessed beyond its value and the alleged excess. The board of equalization shall investigate all complaints duly filed and shall, according to the justice of the case, approve, reduce or raise the assessment. When any complaint is heard by the board of equalization, whether the same is filed under this section or any other section of the Kentucky Statutes, the burden of proof shall be upon the person complaining to show that his property has been assessed beyond its value, or that he did not own the property sought to be assessed on the assessing date involved, as the case may be.

If the board be of the opinion on investigation, that any assessment is too low, it shall thereupon notify the taxpayer though the mail, stating the value which, in his judgment, shall be put upon the poperty involved, and fix a day for such taxpayer to appear before it, not earlier than five days, exclusive of Sundays, and holidays, after the mailing of such notice. If the taxpayer should appear he shall be given an opportunity to show why the value suggested by the board is not correct, and the board shall thereupon fix the assessment of such property. If such taxpayer does not appear before the board at the time set, the board shall fix what, in its judgment is the proper value of the property involved.

But any taxpayer, feeling himself aggrieved by any action of the board of equalization, may appeal to the quarterly court within thirty days after the final adjournment of said board, by filing with the judge of said court a certified copy under the hand of the city assessor, of the action of said board. He shall have the right to appeal from the decision of the quarterly court to the circuit court and then to the court of appeals, in the same manner as the law now allows appeals in civil cases. It shall be the duty of the city attorney to repre-

sent the board in all such suits pending before the quarterly or circuit court of the court of appeals. If the city assessor, or the city attorney, feels that the city has been aggrieved by the action of the board of equalization, or on account of the failure of said board to act, then either of said officers may appeal to the quarterly court by filing with the judge thereof a brief statement showing the action of the board of equalization, or stating wherein it failed to properly act. The quarterly court shall hear evidence and pass upon all such appeals and either of said officers may appeal to the circuit court and then to the court of appeals the same as in other civil cases. It shall be the duty of the city attorney to represent the interest of the city in all such appeals in the quarterly, circuit court and court of appeals."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	H. S. Cleveland	A. Eversole, Jr.
Geo. P. Anderson	T. Fowler Combs	Raymond Eyl
J. Everett Bach	John C. Cornett	Ferd A. Gnau
B. F. Bedford	Norman A. Curtis	C. A. Hale
Rell Bevins	William J. Curtis	Ralph Hamilton
F. C. Boyd	F. E. Daugherty	S. T. Hamilton
C. P. Bradbury	L. M. Davisworth	C. L. Hammons
C. C. Byrne	Sam Dever	Ira W. Hulette
J. F. Carr	Forest C. Easley	W. H. Hunt
George S. Clay	Garland Embry	William K. King

Clyde D. Lester	H. O. Porter	W. R. Tapp
Carl Lyttle	Kleber F. Price	Carl M. Taylor
Peter P. Mattingly	Ed F. Prichard	Gabe B. Taylor
C. C. May	Grover C. Ransom	Erna E. Tyra
M. T. McCarthy	Thomas Rigdon	S. J. Wagner
Elmer McGlothen	E. S. Robey	Cass R. Walden
J. H. McKinney	William T. Rollo	Joe L. Wall
G. Samuel Milam	E. A. Rose	Henry Ward
John B. Mollette	Carl Scheben	H. L. Waterfield
William E. Mull	Leon J. Shaikun	R. E. West
Alfred A. Naff	W. S. Shanklin	John M. Williams
Homer Neikirk	Parker Sims	W. G. Williams
Luster C. Oxley	Wm. St. C. Stuart	Terrill A. Wilson
Henry Plum	A. Frank Tabb	James W. Young

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Those who voted in the negative were—

Herbert Cook	Alton Mitchell	Clarence Rush
Willard Q. Daniel	Stanley C. Moebus	Lee Roy Wilson
D. T. Matlack	Hubert H. Read	

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Resolved that the title thereof be as aforesaid—

Mr. Eyl moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 283. An Act to repeal, amend and re-enact Sec. 2993 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2993 of Carroll's Kentucky Statutes, Bald-

win's 1936 Edition, be, and the same is hereby repealed, amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

Section 2993. Board of equalization; number of vacancies; power.—The board of equalization shall consist of three citizens of the city, to be elected annually in July by the board of aldermen. They may be removed by the general council. Vacancies caused by such removal, or by death, resignation or departure from the city, shall also be filled by the board of aldermen. The general council may compensate the members of said board out of the treasury at a rate not exceeding ten dollars ($10.00) to each for each day's service. Two members shall make a quorum. If two or all of the members of the board fail to attend, the mayor may, by writing under his hand, appoint others to take their places for the time being. The board, when made up in whole or in part of such appointees, may reduce or increase assessments, as provided for in the next preceding section.

The chairman of the board is hereby authorized to summon and swear witnesses and to hear such evidence as may be competent with reference to any matters pertaining to the assessment of property.

The board of equalization, shall convene October first, or on the next succeeding day of such years when October first will be Sunday, and shall close its sessions on November the fifteenth following except when November fifteenth shall be on Sunday and in such years it shall close its session on November the fourteenth.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Thomas Rigdon
Geo. P. Anderson	S. T. Hamilton	E. S. Robey
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	Ira W. Hulette	E. A. Rose
Rell Bevins	W. H. Hunt	Carl Scheben
F. C. Boyd	William K. King	Leon J. Shaikun
C. P. Bradbury	Clyde D. Lester	W. S. Shanklin
C. C. Byrne	Carl Lyttle	Parker Sims
J. F. Carr	Peter P. Mattingly	Wm. St. C. Stuart
George S. Clay	C. C. May	A. Frank Tabb
H. S. Cleveland	M. T. McCarthy	W. R. Tapp
T. Fowler Combs	Elmer McGlothen	Carl M. Taylor
John C. Cornett	J. H. McKinney	Gabe B. Taylor
Norman A. Curtis	G. Samuel Milam	Erna E. Tyra
William J. Curtis	John B. Mollette	S. J. Wagner
F. E. Daugherty	William E. Mull	Cass R. Walden
L. M. Davisworth	Alfred A. Naff	Joe L. Wall
Sam Dever	Homer Neikirk	Henry Ward
Forest C. Easley	Luster C. Oxley	H. L. Waterfield
Garland Embry	Henry Plum	R. E. West
Archie H. Eversole	H. O. Porter	John M. Williams
Raymond Eyl	Kleber F. Price	W. G. Williams
Ferd A. Gnau	Ed F. Prichard	Terrill A. Wilson
C. A. Hale	Grover C. Ransom	James W. Young

—72

Those who voted in the negative were—

Herbert Cook	Alton Mitchell	Clarence Rush
Willard Q. Daniel	Stanley C. Moebus	Lee Roy Wilson
Hubert H. Read	D. T. Matlack	

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Resolved that the title thereof be as aforesaid—

Mr. Norman Curtis moved that the vote by which said

bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 52. Resolution authorizing the personal representative of George Baber, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one George Baber was employed as a laborer by the State Highway Department and became seriously injured and physically incapacitated to perform said work or any work on May 29, 1937, in Madison County, Kentucky, while in the course of his employment and in performance of the duties thereof, and as a direct result of said injuries did on June 4th, 1937, or there about, die:

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said George Baber was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and personal representative of the said George Baber cannot therefore be made, under he provisions of the Workmen's Compensation Law.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of George Baber, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of

Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, and loss to said estate by reason of the destruction of his power to labor and earn money; and in the event of any judgment recovered in said action by the personal representative of the said George Baber, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as any other civil case.

§ 3. Said action may be brought in the Madison Circuit Court or any County of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hundred ($100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-Five ($75.00) Dollars for burial expenses, and Four Thousand ($4,000.00) Dollars for the death of the said George Baber, or a total of Four Thousand One Hundred and Seventy-Five ($4,175.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	J. Everett Bach	Rell Bevins
Geo. P. Anderson	B. F. Bedford	F. C. Boyd

C. P. Bradbury
C. C. Byrne
J. F. Carr
Leonard Carson
George S. Clay
H. S. Cleveland
T. Fowler Combs
John C. Cornett
G. Cunningham
Norman A. Curtis
William J. Curtis
Willard Q. Daniel
F. E. Daugherty
Forest C. Easley
Garland Embry
A. Eversole, Jr.
Raymond Eyl
Ferd A. Gnau
C. A. Hale
Ralph Hamilton
S. T. Hamilton
C. L. Hammons
W. H. Hunt
William K. King
Clyde D. Lester
D. T. Matlack
Peter P. Mattingly
C. C. May
M. T. McCarthy
T. B. McConnell
Elmer McGlothen
H. H. McGuire
J. H. McKinney
G. Samuel Milam
Alton Mitchell
Stanley C. Moebus
John B. Mollette
William E. Mull
Tyler F. Munford
Rodes K. Myers
Alfred A. Naff
Homer Neikirk
Henry Plum
H. O. Porter
Kleber F. Price
Ed F. Prichard
Grover C. Ransom
Hubert H. Read
Thomas Rigdon
E. S. Robey
John C. Robinson
William T. Rollo
E. A. Rose
Carl Scheben
Leon J. Shaikun
W. S. Shanklin
Parker Sims
Wm. St. C. Stuart
A. Frank Tabb
W. R. Tapp
Carl M. Taylor
Gabe B. Taylor
Erna E. Tyra
S. J. Wagner
Cass R. Walden
Joe L. Wall
Henry Ward
H. L. Waterfield
R. E. West
J. D. White
John M. Williams
W. G. Williams
Lee Roy Wilson
Terrill A. Wilson
James W. Young
Z. Taylor Young

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Resolved that the title thereof be as aforesaid—

Mr. Porter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Daugherty moved that a bill entitled:

H. B. 300. An Act amending Article 3, Chapter 85, Kentucky Statutes, by adding another section defining Optometry

and regulating the issual and revocation of licenses to practice Optometry and to prohibit false, misleading or bait advertising with reference to ocular examination etc.

Be laid on the Clerk's desk.

Said motion was agreed to.

A message was received from the Governor announcing that he returns to this House where it originated, without his signature and approval a bill entitled:

H. B. 250. An Act to repeal, amend and re-enact Sec. 1989, 1898a-1, 1989a-2 and 1989a-3, Carroll's Kentucky Statutes, 1936, relating to the duties and compensation of the employees of the General Assembly

Together with his objections and veto to said bill and his reasons therefor.

(For bill see House Journal of February 3)

The objections of the Governor and his reasons therefor are as follows, viz:

February 15, 1938

To the President of the Senate and
Speaker of the House of Representatives

House Bill No. 250 is returned to the House of Representatives in which it originated with the following veto message to the House from the Governor of the Commonwealth:

Because the bill is indefinite and uncertain as to the compensation of clerks and other officials charged with the duties of preparing and enrolling bills passed by the Legislature, and

Because of the fact that this bill inadvertently undertakes to substitute the Auditor of Public Accounts for the De-

partment of Finance whose obligation it now is and will be in the future to issue and check the payment of warrant issued by the Commonwealth,

This bill is now vetoed and set aside by order of the Governor with the request that the Legislature undertake to correct the errors above set out.

Signed

ALBERT B. CHANDLER
Governor

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 179. An Act providing for the teaching and practice of barbering and beauty culture requiring the registration of barber instructors, beauty instructors, barbers and apprentices, beauty culture, beauty schools, barber schools, barber shops and beauty shops, and the supervising of barber shops, barber schools, beauty shops and beauty schools, defining the practice of barbering, beauty culture, manicuring, apprentice practice, exemptions from the operation of the act: qualifications for the certificate of registration as registered instructors, registered barbers, registered beauty specialist, registered manicurists, registered shops and registered schools; providing for application for examination and examination preparatory to practice as registered instructors, registered barbers, registered beauty specialists, registered apprentices and registered manicurists; providing for the establishment of a minimum standard of professional educational of instructors, barbers' beauty culturists, and manicurist; providing for the issuance of certificates of registrations of barbers, beauty culturists, instructors, schools, shops, apprentices and manicurists; regulating the admission of barbers, beauty specialists, apprentices, instructors and manicurists to practice in this state who have practiced barbering or beauty culture in another state or country; pro-

viding for the present practitioners in this state; for the issuance and disply of certificates of registration for the renewal and the restoration of certificates; providing for the establishment of a board of barber and beautician examiners to be known as the Kentucky State Board of Barber and Beautician Examiners; for the hearing by said board of refusal, revocation, renewal or suspension of any certificate of registration; for perfecting appeal from the board, for fees to be charged for the issuance of registration certificates and for fee to accompany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appointment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for the keeping of the records of the boards proceedings and its publicity; for method of call meetings of the board; for the duties of the boards secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

This Act shall be known and may be cited as the "Kentucky Barber and Beautician Act."

Whenever, in this Act the word "board" is used it shall be construed to mean the Kentucky State Board of Barber and Beautician Examiners.

REQUIREMENTS OF REGISTRATION; NAMING OF ACT.

§ 1. (Formerly 1). The General Assembly hereby repeals Chapter 139 of the Acts of the General Assembly of 1934, effective as of August 1, 1938, and re-enacts the follow-

ing to become effective August 1, 1938. Thereafter it shall be unlawful:

1. To practice or attempt to practice barbering or beauty culture without a certificate of registration as a registered barber or beauty specialist issued pursuant to the provisions of the herein Act, by the Board of Barber and Beautician Examiners hereinafter established.

2. To serve or attempt to serve as an apprentice under a registered barber or beauty specialist without a certificate of registration as a registered apprentice issued by the board.

3. To operate a barber shop or beauty shop unless it is at all times under the direct supervision and management of a registered barber or beauty specialist.

4. For any person, firm or corporation to manage, operate or control a barber shop, beauty shop, beauty culturist shop, barber school or beauty culturist school without a shop or school certificate of registration duly issued by the Board of Examiners.

5. For any person to serve or attempt to serve as a manicurist without a certificate of registration as a registered manicurist or beauty specialist issued by the board.

6. To teach or attempt to teach barbering or beauty culture without a certificate of registration as a registered barber or beauty culture teacher issued by the board.

7. For any beauty shop or barber shop owner, manager or supervisor to employ or permit any one to practice as a beauty culturist, barber, apprentice or manicurist unless such person holds an unexpired unrevoked certificate of registration issued by the board.

PRACTICE DEFINED

§ 2. (Formerly 2). The word "beautician" as used in this Act shall be construed to include any branch or combination of branches of the occupation of a hairdresser, cosmetologist, cosmetician, beauty culturist, or any other person hold-

ing himself or herself out as practicing beauty culture by whatever designation and within the meaning of this Act which are now or may hereafter be practiced.

Any one or combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments and when done for payment either directly or indirectly and without payment for the public generally) constitutes the practice of barbering or beauty culture.

(a) Shaving or trimming the beard or cutting the hair;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations either by hand or mechanical applicances;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;

(d) Applying cosmetics, preparations, powders, oils, clay or lotions to scalp, face, neck or upper part of the body.

The practice of Beauty Culture shall include each above named section; but Ladies' Hair Cutting, only of Section a, Permanent Waving, Marcelling, Manicuring and Finger Waving.

A person who engages only in the occupation of cutting, trimming, polishing, coloring, cleansing or manicuring the nails of any person and massaging, cleaning, treating or beautifying the hands of any person shall be known as a manicurist, and may obtain a certificate of registration for that separate branch of cosmetology only, as hereinafter provided.

CREATION OF BOARD OF BARBER AND BEAUTICIAN EXAMINERS: QUALIFICATIONS OF MEMBERS.

§ 3. There is hereby created to carry out the purposes and enforcement of this Act a Board of Barber and Beautician Examiners to be known as the Kentucky State Board of Barber and Beautician Examiners. The board shall consist of five members all of whom shall be citizens of this State

who are at least twenty-three years of age who shall have been citizens of the United States engaged in the practice of their profession in Kentucky for a period of at least five years prior to his or her appointment.

The Governor will appoint as members of said board: one master barber, one (shop owner) beautician, one journeyman barber, one non shop owner beautician and one unorganized barber.

Two members of the first board shall serve for two years from the date of his or her appointment and qualification. At the expiration of the term of office of the two members appointed for two years their successors shall be appointed for a term of four years thereafter. At the expiration of the term of office of the three members whose terms of office expire in four years, their successor shall be appointed for a term of four years thereafter. The non shop owner beautician shall serve for a term of four years and upon the expiration of the four year term his or successor shall be appointed for a term of four years.

Members appointed by the Governor to fill occuring vanancies shall be appointed from lists submitted by one of the five heretofore mentioned groups not represented on said board by reasons of said vacancy and he or she shall hold office during the unexpired term of their predecessor but this provision does not preclude reappointment.

No person shall be eligible for board membership who is connected directly or indirectly with any barber school, beauty school, wholesale dealer of cosmetic supplies or equipment used by the professions herein defined.

No member of the board shall be permitted to teach the professions herein defined while in office, nor shall any two members of the board be graduates of the same system or school beauty culture or barbering as the case may be.

QUALIFICATIONS OF INSPECTORS: OFFICERS: COMPENSATION: DUTIES: POWERS: ETC.

§ 4. The appointees to the board shall meet within ten days after the appointment and perfect an organization by electing a president and appointing a secretary, and adopting reasonable rules and regulations for the transaction of business and for putting into effect the provisions of this Act.

It shall use and adopt a common seal for authentication of its orders and records and establish and keep an office at Frankfort or elsewhere in Kentucky.

The secretary shall keep a record of all proceedings of the board and over thirty (30) days will deposit with the State Treasurer of Kentucky all money collected and take his receipt therefor. And all money received by the secretary at any time and all times, shall be so deposited.

The secretary of the board shall execute to the State of Kentucky a good and sufficient bond, approved by the Governor, in the sum of Ten Thousand, ($10,000.00) Dollars to insure the faithful performance of his or her duties.

A majority of the members of the board present in meetings legally assembled may perform and exercise all the duties and powers developing upon the board.

The secretary of the board shall receive a salary of not to exceed Three Thousand Six Hundred Dollars per annum, and shall be reimbursed for his or her necessary traveling expenses incurred, and incident to the actual discharge of his or her duty. And each member of the board shall receive as compensation for actual attendance on legally assembled meetings of the board, Ten ($10.00) Dollars for each day such member attends as shown by the record, and shall be reimbursed for necessary traveling expenses to be paid only from the fund created by fees collected in the administration of this Act and subject to such restrictions as is required of other officers of the Commonwealth as to traveling expenses.

The board shall have authority to employ such inspec-

tors, clerks and assistants as it may deem necessary to carry out the provisions of this Act, provided, however, that such employment is with the knowledge to such person or persons so employed that a pro-rata of the fees collected will insure such payment and not be in excess of receipts.

Inspectors so employed shall be citizens of the United States, who shall have been engaged in the practice of barbering or beauty culture in Kentucky for a period of at least two years prior to his or her appointment.

The board shall meet as provided in section seven of this Act. It will conduct such other business as is urgent and legally before it. For any urgent purpose a call meeting may be had on notice from the president, or should the president refuse such call meeting for any urgent necessity then in that event a notice from the secretary signed by any three members of the board will legally convene said board for said purpose, but no other business can be transacted at such call meeting except the business specified on the notice.

PURPOSE OF ACT: BOARD TO PROMULGATE RULES: COPIES OF RULES: INSPECTIONS AND RECORDS.

§ 5. The board is authorized to make and promulgate any rule or regulation in its opinion necessary, not in conflict with law, for the purposes of effectively enforcing the provisions of this Act.

The board shall with the approval of the State Board of Health adopt or prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the spreading of infectious, communicable or contagious diseases, and shall arrange such inspections as it may deem necessary for the proper carrying out of these regulations in order to properly safeguard the public health and the health of the practitioners. The said sanitary rules and regulations shall specify the sanitary re-

quirements for barber shops, beauty shops, and manicuring shops and barber schools and beauty schools.

Any member of the board or its agents or assistants when authorized in writing by the board shall have the authority to enter upon the premises and into any manicuring shop, barber shop or beauty shop or barber school, or beauty culture school for purposes of official inspection.

The board shall keep accurate and complete records of all its proceedings relating to the issuance, refusal, renewal suspension and revocation of certificates of registration. The records shall contain the name, place of business, and residence of each registered apprentice, barber, beauty culturist, shop owner, school, teacher and manicurist and the date and number of his or her certificate of registration. These records shall be public records open to the public inspection at all reasonable times.

The purpose of this Act shall be to prevent the spreading of diseases and to promote the general health, safety, peace, morals and welfare of the public and practitioners, by promoting sanitary and desirable conditions in beauty shops, manicuring establishments, barber shops, beauty culture schools and barber schools.

All duly adopted rules provided for in this section shall be subject to enforcement under the penalties set forth in section nineteen of this Act. A copy of such rules and regulations adopted and promulgated by the board shall be provided the owner, supervisior or manager of such shops and schools and by such owner, supervisor or manager displayed in a conspicuous place in each shop or school.

§ 6. The following persons are exempt from the provisions of this Act while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this State to practice medicine, surgery, or chiropractic.

(b) Commissioned medical or surgical officer of the United States Army, Navy, or Marine Hospital Service.

(c) Registered nurses.

(d) Undertakers and Embalmers.

EXAMINATIONS AND QUALIFICATIONS.

§ 7. (Formerly Section 9.) *Examinations.* The board shall conduct examinatinos of applicants for certificates of registration to practice as a registered barber, a registered beauty specialist, a registered manicurist, a registered apprentice and a registered instructor of barbering or beauty culture not less than three nor more than four times each year at such places as the board may determine.

During the month of December of each year the board shall make and publish the examination schedule for the following year.

The examination of applicant for certificates of registration as registered barbers, registered beauty specialists, registered apprentice and registered instructors of barbering or beauty culture shall include both practical demonstration and written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the board.

The practical part of the examination for apprentice beauty culturist and beauty culturist certificates shall be under the supervision of the beautician members of the board.

The practical part of the examination for apprentice barbers and barber certificates of registration shall be under the supervision of the barber members of the board.

Examination for certificates of registration as a manicurist shall include written and oral tests in all things pertaining to the nails, sterilization of tools, etc., as taught in a regular manicuring course of accredited schools of beauty culture.

Each person who desires to practice any of the practices designated within the meaning of this Act, shall file with the

secretary of the said board, the required application, with two 3x5 inch signed photographs of the applicant and a health certificate issued by a regularly licensed physician on a form prescribed by said board, and shall deposit with the secretary the required fee.

Each applicant for examination shall make application to the board on blanks prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant.

SCHOOLS: MINIMUM STANDARD OF PROFESSIONAL EDUCATION: SCHOOL RECORDS: APPLICATION FOR SCHOOL CERTIFICATES.

§ 8. Registered schools may be established and maintained in this State where beauty culture and barbering may be taught and acquired under the following condition and regulations, to wit:

Any person, firm or corporation may apply to the board for a certificate of registration or license to conduct a school for the teaching of the professions herein defined.

No school of barbering or beauty culture shall be approved by the board unless it requires a prerequisite to graduation, a course of instructions of not less than one thousand hours to be completed in six months of not more than ten hours a day; such course of instructions to include the following subjects:

Histology of the hair; skin; nails; muscles, and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair, glands, massaging and manipulating of the muscles of the upper body; hair cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future may render desirable.

No school shall be approved by this board that does not provide at least one licensed instructor for every eighteen students or fraction thereof enrolled therein.

Schools shall keep daily records of the attendance of each student, establish grades and hold examinations before issuing diplomas.

Schools must be so located as to be entirely separate from any beauty shop, barber shop, or any other place of business.

All rooms must be properly lighted and well ventilated. Clean sanitary drinking water supply is required.

The board shall have the power to adopt and approve a school curriculum.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS REGISTERED MANICURIST.

§ 9. A person is qualified to receive a certificate of registration as a registered manicurist.

(a) Who is at least sixteen and one-half years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed a manicuring course of study of Three Hundred (300) hours in an accredited school of beauty culture and who has passed satisfactory examination conducted by this board to determine his or her fitness to practice as a registered manicurist.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION OF REGISTERED APPRENTICE.

§ 10. (Formerly Section 6.) *Qualifications for Certificates of Registration as Registered Apprentice.*

A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who is at least sixteen and one half (16½) years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has graduated from an accredited school of barbering or beauty culture; and who has passed a satisfac-

tory examination conducted by the board to determine his or her fitness to practice as a registered apprentice. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than three hundred (300) hours to be completed within three (3) months of not more than eight (8) hours in any working day in an accredited school of barbering or beauty culture.

(d) Who has at least two years high school education or its equivalent.

PRACTICE OF APPRENTICE.

§ 11. (Formerly Section 3.) No registered apprentice may independently practice brabering, or practice as a beauty specialist but he or she may do any or all of the acts constituting the practice of barbering and that of a beauty specialist under the immediate supervision of a registered baber or beauty specialist and only one may be employed in any licensed or registered shop.

Registered apprentice barbers shall serve their apprenticeship under regular barbers.

Registered apprentice beautician or beauty specialists shall serve their apprenticeship under regular registered beauty specialists.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER OR REGISTERED BEAUTY SPECIALIST

§ 12. A person qualified to receive a certificate of registration to practice barbering and beauty culture:

(a) Who is qualified under Section ten of this Act.

(b) Who is at least eighteen years of age.

(c) Who is of good moral character and temperate habits.

(d) Who has practiced as a registered apprentice for

twelve months under the immediate supervision of a registered member of his or her profession; and

(e) Who has passed a satisfactory examination conducted by the board to determine his or her fitness to practice barbering or beauty culture.

An applicant for a certificate to practice as a registered barber or beauty culturist, who fails to pass a satisfactory examination conducted by the board must continue to practice as an apprentice for an additional four months before he or she is entitled to retake the examination for registered barber or beautician certificate.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS A REGISTERED INSTRUCTOR OF BARBERING OR BEAUTY CULTURE

§ 13. A person is qualified to receive a certificate of registration to instruct or teach in an accredited school of barbering or beauty culture:

(a) Who has a high school education or its equivalent.

(b) Who is of good moral character and temperate habits.

(c) Who has qualified and practiced under Section 12 of this Act as a registered barber or beauty culturist for twelve months.

(d) Who has passed a satisfactory examination conducted by the board to determine his or her fitness to teach barbering or beauty culture.

PRESENT PRACTITIONER: SHOPS AND SCHOOLS.

§ 14. The provisions of this Act shall not be construed to affect the validity of any certificate issued to any barber, instructor, or beauty specialist under the provisions of Chapter 139 of the Acts of the One Thousand Nine Hundred Thirty Four Session of the General Assembly. And all such certificates may be renewed or restored as provided in this Act.

Every person now engaged as a manicurist as herein defined and who has practiced as a manicurist for a period of six months continuously prior to the taking effect of this Act, may obtain a certificate of registration without examination by filing with the board's secretary the required application and fee on or before September 1, 1938.

All shops and accredited schools in active operation at the time this Act becomes effective may obtain shop or school certificates of registration by properly filing with this board on, or before August 1, the required Application and fee.

Persons, shops, or schools, failing to qualify for certificates by exemption as provided in this Section must qualify as otherwise provided in this Act.

NON-RESIDENTS

§ 15. Persons having practiced barbering and beauty culture in another state or country:

(a) A person who is at least eighteen years of age.

(b) Who is of good moral character and temperate habits and who has a license or certificate of registration as a practicing barber or beautician from another state or country which has substantially the same requirements for licensing or registering; or,

Who can prove by affidavits to the board's satisfaction that he or she has the educational requirements set forth in Section 10 and has practiced as a barber or beautician in another state or country not having a barber or beauty culture law for at least three years prior to making application in this State; may be accepted for examination to determine his or her fitness to receive a certificate of registration to practice barbering or beauty culture.

A person who is at least sixteen and one half years of age;

Who is of good moral character and temperate habits; and,

Has a certificate of registration as an apprentice in a

state or country which has substantially the same requirements as an apprentice, as is approved by this Act, shall upon payment of the required fee be accepted for the examination. Being able to pass the required examination, he or she will be issued a certificate of registration as a registered apprentice and the time spent in such state or country shall be credited upon the period of apprenticeship required by this Act as a qualification to take the examination as regular registered barber or regular registered beauty specialist.

A person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has qualified as required by Section 10 of this Act, shall be credited with the time so spent as an apprentice in such other state or country upon period of apprenticeship required by this Act as a qualification to take the examination to determine his or her fitness to receive a certificate of registration as a fully registered member of the barber or beauty culture profession.

NON-RESIDENTS

§ 15. (Non-Residents) Persons having barbering culture in another state or country:

(a) A person who is at least eighteen year of age.

(b) Who is of good moral character and temperate habits and who has a license or certificate of registration as a practicing barber or or beautician from another state or country which has substantially the same requirements for licensing or registering; or,

Who can prove by affidavits to the board's satisfaction that he or she has the educational requirements set forth in Section 10 and has practiced as a barber or beautician in another state or country for at least three years prior to making application in this State; may be accepted for examination to determine his or her fitness to receive a certificate of registration to practice barbering or beauty culture.

A person who is at least sixteen and one half years of age;

Who is of good moral character and temperate habits; and,

Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements as an apprentice, as is approved by this Act, shall upon payment of the required fee be accepted for the examination. Being able to pass the required examination, he or she will be issued a certificate of registration as a registered apprentice and the time spent in such state or country shall be credited upon the period of apprenticeship required by this Act as a qualification to take the examination as regular registered barber or regular registered beauty specialist.

A person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has the qualifications as required by Section 10 of this Act, shall be credited with the time so spent as an apprentice in such other state or country upon period of apprenticeship required by this Act as a qualification to take the examination to determine his or her fitness to receive a certificate of registration as a fully registered member of the barber or beauty culture profession.

A person who is at least sixteen and one half years of age: Who is of good moral habits: and has a certificate of registration as a registered manicurist from another state or country which has substantially the same requirements for manicurist as is required by this Act may be accepted for examination to determine his or her fitness to receive a certificate of registration to practice as a registered manicurist in this State.

RENEWAL AND RESTORATION OF CERTIFICATES.

§ 16. (Formerly Section 14.) Every registred school, teacher, barber shop, beauty shop, barber, beauty specialist,

manicurist and every registered apprentice that continues in active practice, service or operation, shall annually on or before July of such year renew such certificate of registration and pay the required fee.

Every certificate of registration which has not been renewed during the month of July in any year, shall expire on the first day of July in that year.

A registered school or shop whose certificate of registration has expired may have the certificate restored immediately by properly filing application and paying the required restoration fee.

Any registered barber, manicurist, teacher, apprentice or beauty specialist who retires from the practice of his or her profession for not more than five years may by proper procedure restore his or her certificate of registration.

Every application for admission to examination and all applications for certificates of registration shall be in writing on blanks prepared by the board.

The application blank shall have a certificate of good health attached thereto. The said health certificate must be signed by a duly licensed physician and must show the applicant to be free from any infectious, contagious or communicable disease.

Every registered practitioner of the professions defined herein and every registered shop or establishment shall within thirty days after changing the address of their place of business as designated on the books or records of the board, notify the secretary, thereof of their new place of business and upon receipt of said notification the secretary shall make the necessary changes in the register and records.

Any person, firm or corporation may apply to the board for a certificate of registration or license to operate a barber or beauty culture shop. Application for shop certificates of registration must list the true owner and manager of the shop.

FEES

§ 17. The fee to be paid by the applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering or to practice as a beauty specialist, is Ten, ($10.00) Dollars, and for the issuance of a certificate of registration, Five ($5.00) Dollars.

The fee to be charged an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice as an an apprentice is Five ($5.00) Dollars, and for the issuance of the certificate One ($1.00) Dollar.

The fee to be paid for renewal of any certificate of registration to practice barbering or as a beauty culturist is Three ($3.00) Dollars and for the restoration of an expired certificate, Five ($5.00) Dollars.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate as a registered manicurist shall be Four ($4.00) Dollars. The fee to be charged for the issuance of the certificate is One ($1.00) Dollar. The fee to be charged for the restoration or renewal of a manicurist certificate of registration shall be Two ($2.00) Dollars.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as an instructor of beauty culture or barbering is Twenty ($20.00) Dollars, and for the issuance of a teachers certificate, the fee is Five ($5.00) Dollars. The fee to be charged for the renewal or restoration of a teachers certificate is Five ($5.00) Dollars.

No fee shall be charged for the annual registration of Beauty Shops or Barber Shops. The annual registration fee for a school of barbering or beauty culture shall be Fifteen ($15.00) Dollars.

Any applicant failing to pass an examination shall upon application be permitted a second or third examination for which no fee shall be required, providing, however, that the

second or third examination is taken within a period of twelve months after the first examination.

A duplicate license or certificate shall be issued upon the filing of a statement covering the loss of the certificate verified by the oath of the applicant.

A fee of One ($1.00) Dollar will be charged for the issuance of such duplicate certificates. Each duplicate shall have the word "duplicate" stamped across the face thereof and will bear the same date and show the number of the original certificate.

ISSUANCE AND DISPLAY OF CERTIFICATES: SIGNATURES.

§ 18. Whenever, the provisions of the Act herein have been complied with the board shall issue a certificate of registration to the applicant.

Every certificate of registration or license issued by the board shall specify the profession the certificate entitles the holder thereof to practice.

The certificate shall be signed by the president and countersigned by the board's secretary with the seal of the board attached.

Every certificate issued shall be prima facie evidence of the right of the holder thereof to practice the profession specified therein.

Every holder of a certificate shall display it in a conspicuous place adjacent to, or near his or her work chair or desk.

REFUSAL AND REVOCATION OF CERTIFICATES

§ 19. (Formerly Section 15.) Refusal and revocation of certificates:

The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) The conviction of a felony shown by a certified copy of the court of conviction.

(b) Gross malpractice or gross incompetency.

(c) Continued practice by a person knowingly having an infection or contagious disease.

(d) Habitual drunkeness or habitual addiction to morphine, cocaine or other habit forming drugs.

(e) The use of any room or place for barbering or beauty culture which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, and such commodities as are used in barber and beauty shops) unless such room or place is separated and segregated by a substantial partition of ceiling height from that portion used for sleeping, residential or business purposes.

(f) Advertising by means knowingly false or deceptive statements.

(g) Performing any of the services constituting barbering for pay, free, or otherwise on Sunday.

(h) The violation of this Act or any of the rules and regulations promulgated by the board as provided for in this Act.

(i) To continue to be employed in a beauty shop, barber shop, barber school or beauty school wherein the sanitary regulations of the board promulgated for the regulation of beauty shops, barber shops, beauty schools or barber schools are known by registered beauty culturist, registered barber, registered apprentices, registered manicurist to be violated.

(j) Immoral or unprofessional conduct.

(k) The Governor shall have the power to remove any board member from office found guilty of violating this section. Proof of such guilt shall be given under oath or in affidavit forms. The Governor shall fill any vacancy thus occasioned by appointment within thirty days after such vacancy occurs.

HEARINGS BY BOARD: APPEAL.

§ 20. The board may neither refuse to issue nor refuse to renew nor suspend nor revoke any certificate or registration, however, for any of these causes unless the person, shop, firm or school accused has been given at least twenty days notice in writing of the charge against them and a public hearing by the board.

Upon the hearing of such proceedings the board may administer oath and may procure by its subpoenas the attendance of witnesses and the production of revelant books and papers.

Any person, shop, firm or school aggrieved by the action of the board, may appeal to the Franklin Circuit Court at Frankfort, Kentucky, by filing with the clerk of said court a certified copy of the charge or charges, as heard by the board, said board being required to make certified copies of said charge or charges on demand of applicant and when same is lodged with the clerk of said circuit court at Frankfort, Kentucky and advanced cost required paid, within ten days after the board's finding the appeal will have been perfected and shall be docketed and will stand for trial.

All licensee instructors, apprentices, barber and beauticians shall practice in a definitely established place of business.

Shops or schools located in residences must have outside entrances and use lavatories other than those used for families or residential purposes.

SCHOOL AND SHOP SANITARY REGULATIONS.

§ 21. It shall be unlawful:

(a) For any barber, beautician, apprentice or manicurist to knowingly continue to practice their profession, or for any student knowingly to continue as a student in any school or college provided for in this Act while such person has an infectious, contagious or communicable disease.

(b) Not to provide the head rest of each chair with a re-laundered towel or a sheet of clean paper for each patron.

(c) Not to place around the patron's neck a strip of cotton, towel or neck strip so that the hair-cloth does not come in contact with the nude skin of the patron's body.

(d) To use on one patron a towel that has been used upon another patron, unless, and until the towel has been re-laundered.

(e) To use on any patron any razor, scissors, tweezers, combs, sachets, rubber discs and parts of viabraters and all other similar equipment or appliances that comes in contact with the head, face, hands or neck until such equipment or appliances have been immerged in boiling water for ten minutes, or immerged in a sterilizing solution and placed in a wet or dry sterilizer until again used. Only such methods of sterilization as are bacteriologically effective and approved by the State Board of Health shall be permitted.

PENALTY OF VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT.

§ 22. (Penalty for Violating the Provisions of this Act.) Any person, firm or cooperation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred ($175.00) seventy-five dollars, and not less than ($19.00) dollars.

PARTIAL UNCONSTITUTIONALITY.

§ 23. (Formerly Section 22.) If any part, section, subsection, sentence, clause or phrase of this Act on review by the Courts of the State be declared unconstitutional or invalid it shall not effect the validity or force of the remaining parts, sections, subsections, sentences, clauses, or phrases not declared to be unconstitutional.

§ 24. No part, section, subsection, sentence, clause or

phrase of this Act shall be construed in any manner to conflict with or destroy the purpose or meaning of any provisions of the 1936 Governmental Re-Organization Act.

All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Gnau offered the following amendments to said bill, viz:

1. Amend H. B. 179 on page 2, before the first section of the bill by inserting the following words "Be It enacted by the General Assembly of the Commonwealth of Kentucky" before the word "The", causing the line to read as follows "Be It Enacted by the General Assembly of the Commonwealth of Kentucky"

2. Amend H. B. 179 on page 5, section 3, lines 12 to 15 inclusive by striking out and omitting the following: "two members of the first board shall serve for two years from the date of his or her appointment and qualification. At the expiration of the term of office of the two members appointed for two years their successors shall be appointed for a term of four years thereafter" to the word "at" of line 15, and adding in lieu thereof the following "This section shall not affect the term of office of the four present board members appointed under Chapter 139 of the Acts of 1934. At the expiration of the term of office of the present board members whose terms of office expire in four years from the date of their appointment and qualification their successors shall be appointed for a term of four years."

3. Amend H. B. 179 on page 5, Section 3, line 17 by inserting the following: "From the date of their appointment and qualification" after the word "years" and before the word "their"

4. Amend H. B. 179, on page 5, Section 3, line 9 by striking out the word "will" before the word "appoint" and after

the word "Governor" and adding in lieu thereof the following, the word "shall"

Amend printed copy of H. B. 179 on page 5, sec. 3 line 10 by inserting the word "union" before the word "journeymen" and after the word "one"

5. Amend H. B. 179 on page 5, section 3, line 16 by striking out the word "three" before the word "members" and after the word "the" and adding in lieu thereof the following words: "present board"

6. Amend H. B. 179 on page 5, section 3, line 18 by inserting the following words "shall be appointed within thirty days after this Act become effective and "before the word "shall" and after the word "beautician"

7. Amend H. B. 179 on page 6, Sec. 4, line 21 by striking out the word "six" before the word "hundred" and after the word "thousand" and adding in lieu thereof the following, the word "two"

8. Amend H. B. 179, on page 16, Sec. 15, line 16 to 33, by striking out and omitting the lines 16 to 33, inclusive.

9. Amend H. B. 179 on page 15, Sec. 15, lines 1 to 15 by striking out and omitting the lines 1 to 15 inclusive.

10. Amend H. B. 179 on page 20, sec. 15, line 18, by adding the following: "and advertising of prices or barber services in any form whatsoever, directly, or indirectly, or in any way suggestive to prices, by any person, persons, firm or corporation" after the word "statements"

11. Amend H. B. 179 on page 22, Sec. 24, line 4 by inserting the following "nor shall it be construed to destroy the Governor's power or right to remove board members from office" after the word "act"

Said amendments were each and severally agreed to.

Mr. Hammons moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	Ed F. Prichard
B. F. Bedford	S. T. Hamilton	Grover C. Ransom
F. C. Boyd	C. L. Hammons	Thomas Rigdon
C. P. Bradbury	Ira W. Hulette	John C. Robinson
C. C. Byrne	John M. Hunnicutt	William T. Rollo
George S. Clay	W. H. Hunt	Carl Scheben
H. S. Cleveland	Clyde D. Lester	Leon J. Shaikun
T. Fowler Combs	Peter P. Mattingly	Parker Sims
John C. Cornett	T. B. McConnell	Wm. St. C. Stuart
G. Cunningham	Elmer McGlothen	W. R. Tapp
Norman A. Curtis	J. H. McKinney	Carl M. Taylor
Willard Q. Daniel	G. Samuel Milam	Gabe B. Taylor
F. E. Daugherty	Stanley C. Moebus	S. J. Wagner
L. M. Davisworth	John B. Mollette	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Forest C. Easley	Tyler F. Munford	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Kleber F. Price	W. G. Williams

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Those who voted in the negative were—

Geo. P. Anderson	Garland Embry	Cass R. Walden
Herbert Cook	Erna E. Tyra	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Combs moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Hunnicutt moved that a bill entitled:

H. B. 244. An Act to provide for transfer of automobile registration and the trasfer of registration receipts.

Be made a Special Order of the Day, for to-morrow at one o'clock P. M.

Said motion was agreed to.

Mr. Matlack, Chairman of the Committee heretofore selected to hear evidence and report on the impeachment proceedings instituted against Judge King Swope of the Fayette Circuit Court, offered the following report, viz:

REPORT OF COMMITTEE on impeachment proceedings against the Hon. King Swope, Judge of the Fayette Circuit Court.

Your committee drawn from the list of this Honorable body, as follows:

B. F. Bedford	Kleber F. Price
L. C. Oxley	Lonnie M. Davisworth
Z. T. Young	Sam Dever
F. C. Boyd	James H. McKinney
	D. T. Matlack, Chairman

met and organized by the election of the Hon. D. T. Matlack as chairman of the committee an Hon. Taylor Young as secretary of the committee. Your committee set February 16th at the hour of 1 o'clock P. M. in the Speaker's retiring room for a hearing upon the petition filed before the House by the petitioner, Plummer Vance, of Georgetown, Scott County, Ky. The said petitioner was duly notified of the time and place of the hearing and the respondent, Hon. King Swope, was notified of the hearing, and appeared before the committee in person and by attorney and waived all immunity and asked to be present at the hearing in person and by attorney which request was granted by the committee. The committee then directed a hearing open to both the petitioner and the respondent. Respondent produced and filed his response in writing to the charges made in the petition which response together with a number of affidavits supporting the said response is filed with this report. The respondent then announced before the committee that he desired a number of witness to be heard orally in support of said response. Your committee announced that it was ready to hear the petitioner and the respondent. The petitioner announced that he was not able to employ counsel to examine and cross-examine the witnesses that might be called to testify before the committee because he was not financially able to employ counsel. Thereupon respondent before the committee and in the presence of the petitioner offered to pay counsel fee or fees to assist the petitioner in such examination or cross-examination and to provide personally for a fee in the sum not to exceed $250.00 for remuneration to such attorney or counsel as the said petitioner, Plummer Vance, might select, without restriction in his selection. Thereupon the petitioner produced and filed the following statement:

"GENTLEMEN OF THE LEGISLATIVE COMMITTEE:

I was called before your committee as a witness and have listened to the discussion before the committee. I represent

as attorney Mr. Gatewood before Judge Swope on the contempt charge. I have just advised Mr. Vance, who is a friend of mine, and a deputy sheriff of my home county, that I believe it would be to the best interests of all concerned to withdraw the charges made by him, and he has accepted by advice and authorized me to make formal withdrawal of the charges and petition.

(Signed) V. A. BRADLEY

I Plummer Vance do hereby certify that the above is a correct statement, and I adopt the statements therein contained.

(Signed) PLUMMER VANCE

Signed and dated this 16th day of February, 1938.

(SIGNED) D. T. MATLACK, Chairman

ATTEST: Z. TAYLOR YOUNG, Secretary

which was signed by V. A. Bradley acting as his attorney and by the petitioner in person, Plumer Vance, which statement was dated and witnessed as above set out. Thereupon your committee being duly advised and the premises being duly considered, respectfully reports that in the opinion of the committee, the character and position of the Hon. King Swope Judge of the Fayette Circuit Court is sustained and that your committee finds that the charges made are without foundation and the reputation, integrity, ability and character of the said respondent, King Swope, is without question or impairment and all charges as contained in the petition should be dismissed; that the said Judge Swope is not guilty of any misfeasance, nonfeasance, or malfeasance in office; that said respondent has not unlawfully nor in any oppressive manner used the trust or powers vested in him as the said Judge of the Fayette Circuit Court; that the said Judge was not guilty of any wilful or wanton abuse of power in unreasonably, unduly, wantonly punishing sheriffs, deputy

sheriffs and other officials and employees of the counties, cities and state, and citizens, spectators, witnesses and other parties in his court including attorneys who practice before him nor that he has unlawfully, wantonly abused or fined or jailed such persons without sufficient reason therefor, nor that he has greatly interfered with the business of arms of the state or of arms and divisions of the several counties or county governments; that said charges were not sustained and further that the said judge is not lacking in the understanding or proper appreciation of the limitations of his power nor the rights of others and that he is not completely unfit, and that there is no evidence but what he is thoroughly fit for the office and honorable position he holds; Further that the said respondent is not guilty of coercion, oppression, fining, jailing and abusing any person without right primarily on account of any ill temper or inability to control his temper or exercise due restraint upon himself, nor that he is not temporarily or otherwise unfitted to hold the position of Circuit Judge; further that the said King Swope has not improperly or illegally doctored or changed any records of his Court; nor has he unlawfully arrested officials without legal right or fined or abused or punished them without legal right; that he has not abused improperly or caused excessive annoyance or trouble to the keepers of institutions and further that he has not hindered or hurt the public service of Kentucky by any act of his as Circuit Judge of said district.

Your committee further finds that he has not in any way annoyed, or oppressed in any unlawful manner attorneys or officials, or subjected to punishment, annoyance, or ridicule or abuse or any such treatment as has brought any reproach upon the Court of his district, attorneys or officials, or that he has not created any intolerable situations by any oppression or abuse or display of temper.

Your committee recommends that all of the said charges in the said petition be dismissed and the good name of the said respondent, King Swope, be sustained, all of which is

respectfully submitted with the recommendation that this report be adopted.

This report of the committee is made and respectfully request that this Honorable body adopt and approve this report.

LONNIE M. DAVISWORTH	J. H. MCKINNEY
F. C. BOYD	KLEBER F. PRICE
B. F. BEDFORD	D. T. MATLACK
SAM DEVER	D. T. Matlack, *Chairman*

GENTLEMEN OF THE LEGISLATIVE COMMITTEE:

I was called before your committee as a witness and have listened to the discussion before the Committee. I represented as attorney Mr. Gatwood before Judge Swope on the contempt charge. I have just advised Mr. Vance, who is a friend of mine, and a Deputy Sheriff of my home county, that I believe that it would be to the best interests of all concerned to withdraw the charges made by him, and he has accepted my advice, and authorizes me to make formal withdrawal of the charges and petition.

V. A. BRADLEY

I, Plummer Vance, do hereby certify that the above is a correct statement, and I adopt the statements therein contained.

PLUMMER VANCE

Signed and dated this 16th day of February, 1938

ATTEST: D. T. MATLACK, *Chairman*
Z. TAYLOR YOUNG, *Secretary*

Mr. Matlack moved that said report be accepted by the House and that said Committee be discharged from further duty.

Said motion was agreed to.

Said report was then accepted by the House and said Committee discharged from further duty.

Mr. Hammons moved that said report be spread at length upon the Journal of the House.

Said motion was agreed to.

IN THE HOUSE OF REPRESENTATIVES, FRANKFORT, KY.

RESPONSE OF KING SWOPE, CIRCUIT JUDGE OF THE TWENTY-SECOND JUDICIAL DISTRICT OF KENTUCKY, AND EX-OFFICIO SOLE JUDGE OF THE FAYETTE CIRCUIT COURT.

Comes the Respondent, King Swope, without waiving his motion for a Bill of Particulars, but expressly relying on same, and for answer to so much of the petition filed herein by one purporting to be Plumer Vance, and on information and belief, denies that the said peitioner is a legally qualified voter and free from legal disability. Respondent denies that he as Judge aforesaid, should be impeached, tried, removed from office, or held to be disqualified for every one of the following or any grounds. Denies that this Respondent has been guilty of such malfeasance, or non-feasance, or misfeasance, or any malfeasance, misfeasance or nonfeasnce in office as Judge aforesaid, as show him to be unsuitable or unfit to hold the office of Circuit Judge or other office, but on the other hand states that he is fully competent to and does satisfactorily discharge the duties of Circuit Judge to the satisfaction of his constitutents and members of the Bar, and in keeping with well established principles of law. Said Re-

spondent also denies that he has exercised the power of his office as Circuit Judge in such or any unwarranted or oppressive manner as to show him to be a person in which it is unwise or unsafe to entrust the power or duties belonging to the office of Circuit Judge. Respondent, on the contrary, says that he is a person in whom it is wise and safe to trust the powers and duties belonging to the office of Circuit Judge, as evidenced by his appointment by the Governor of Kentucky, for his election at the polls for the balance of the unexpired term of his predecessor, by his re-election for a full term in 1933, and by the confidence of his constituents as expressed in a majority of votes in his favor at the polls in 1935 for the highest civil office within the gift of the people of Kentucky.

(3) Respondent denies that he has on numerous or any occasion exercised the power of his office in a highhanded or oppressive manner, by unduly, unreasonably, wantonly, or or at all, punishing various sheriffs, deputies or other officers, or employees of counties, cities or state, or citizens, to-wit, spectators, witnesses, or other parties in the Court, including attorneys who practice therein. Respondent says that he has punished such officers or other persons when his duty as Judge required such action, and never under any other circumstances or condition. He denies that he has wilfully, or wantonly or at all, abused, fined or jailed such person or persons without cause of sufficient reason therefor, or that he has greatly, or at all, interfered with the orderly carrying on of the business of arms of the state government, or of the arms and divisions of the several county governments. Denies that such acts were committed at all; denies that Respondent is lacking in understanding or proper appreciation of the limitations of his own power or the rights of others, conclusively or at all as demonstrates his complete or any unfitness to hold said, or any office, but Respondent says that he has filed and jailed such persons only as the facts

of the case warranted and justified, and his duty required that he do so.

(4) Denies that Respondent has been guilty of coercion, or oppression, or fining or jailing many, or any person, without right, or punishing them or at all on account of his ill temper, or inability to control his temper, or inability to exercise restraint upon himself.

(5) Respondent further denies that as Judge aforesaid, he has improperly or illegally doctored, or changed records in his court, or that he has issued rules for other officers without legal right, or that he has fined, abused, or punished other officers without right so to do. Denies that he has on one instance, or any instance, compelled the Sheriff of Scott County to sign a paper which was untrue under threat of compulsion that he would send him to jail if he refused to sign same, or that he thus forced said Sheriff to sign said paper in order to keep out of jail. On the contrary, Respondent says that said Sheriff was represented by counsel who prepared his response before he came to Court. This Respondent did not order the said Sheriff to sign anything, but permitted the said Sheriff on the request of his lawyer to prepare a new answer, and gave him ample time to do so, which said answer was dictated by said attorney, outside of the Court Room, to Mrs. Leo M. Bradley, a stenograher, in the presence of Mrs. Virginia Hanson Mulberry, the official court reporter of this Court, and that whatever the said Sheriff signed, he signed at the instigation of his own lawyer, who dictated the amended response, and if said Sheriff swore to anything that was untrue he alone is responsible therefor.

(6) Respondent denies that many or numerous, or any other instances of said alleged arbitrary or unlawful actions of said Respondent as Judge might or could be cited, such as for instance that he has proceeded outside of his jurisdiction in annoying, punishing, or attempting to punish the keepers of various state institutions of the Commonwealth of Ken-

tucky, or that said keepers of said institutions have been thereby subjected to excessive annoyance, or subjected to expense and trouble in suing out writs of prohibition to restrain said Respondent from proceeding outside of his jurisdiction in a high-handed or oppressive manner to fine or punish the keepers of said institutions, or that any of said alleged actions hindered or hurt the public service in Kentucky, or interfered with the orderly carrying on of the business and work of the several departments of the state government. In no instance has a rule been issued, or any one punished, except for failure to perform the order of the court duly entered and legal in every way. Respondent says that whatever writs of prohibition were sued out by the keepers of said institutions were taken out without just cause and were wholly unnecessary; that in no case in which a head of a state institution asked for a writ of prohibition was any rule pending, or was any rule issued. That one of said Writs of Prohibition was disallowed by the Court of Appeals of Kentucky as having been a purely moot question and wholly without merit, and the other apparently has been abandoned by the party who brought the original action in the Court of Appeals to recover the sum of $25.00, and which is also without merit.

(7) Denies that by highhanded or oppressive use of the power of his office, as above set forth, that Respondent has subjected numerous individuals, attorneys and officials to annoyance or ridicule, or that all or any of which has brought reproach upon the authority of the courts of his district, or created an intolerable, or any situation, wherein abuse or displays of temper are dreaded by attorneys, officials and citizens in and around said judicial district. The falsity of that statement is proven by affidavits of officials in the Fayette County Court House and by every Sheriff that has waited on the Court since this Respondent has been Circuit Judge of Fayette County, by the County Judge, County Clerk, by the Sheriff's deputies, and by the attorneys, all of which are appended hereto and made a part hereof.

Respondent denies that he has brought about, or created, or maintained a "reign of terror" which has destroyed the freedom of many or any citizens, or that all or any of which is subversive of the spirit of our free institutions, or as to show Respondent utterly, wholly or totally unfit or unworthy to hold the high office of circuit judge, or any office.

Wherefore, having fully answered, Respondent prays that said Petition be dismissed, and that he recover his costs of the said petitioner herein, and that said charges, and each of them be finally dismissed, and that the record of the House be purged thereof.

HENRY T. DUNCAN
JAMES PARK
RICHARD J. COLBERT
Attorneys for Respondent

State of Kentucky
County of Fayette } Sct.

Respondent, King Swope, Circuit Judge of the Twenty-second Judicial District of Kentucky, says that the statements contained in the foregoing answer and response are true.

KING SWOPE
Respondent

Subscribed and sworn to before me by King Swope, Judge of the Twenty-second Judicial District of Kentucky, this 16th day of February, 1938. My commission expires on the 8 day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette County, Kentucky

State of Kentucky
County of Fayette } Sct.

Affiant, J. Keene Daingerfield, says that he is a member of the Fayette County Bar, and has been such for the past twenty-eight (28) years, and has during all that time been

actively engaged in the practice of law in Lexington, Fayette County, Kentucky.

Affiant says that he was during the year 19..... the nominee of the Democratic Party for the office of Judge of the Fayette Circuit Court, and made the race for said office against the Honorable King Swope, who now serves as Judge of the Fayette Circuit Court; and further says that during the campaign for that office the Honorable King Swope never indulged in any personalties or spoke any unkind or unpleasant word of or concerning affiant, and that he, affiant, has at all times been treated by the Honorable King Swope with entire courtesy and utmost consideration.

Affiant says that he has read the charges filed against the Honorable King Swope, Judge of the Fayette Circuit Court, before the House of Representatives of the State of Kentucky by Plummer Vance of Scott County, and that from and by reason of the knowledge gained and the observations made from affiant's practice as aforesaid, affiant says that it is not true that the Honorable King Swope has been guilty of malfeasance, non-feasance or misfeasance in office, that it is not true that he has exercised his official powers in an unwarranted or oppresive manner, that he has on numerous occasions, or any occasion known to affiant, exercised the powers and duties of his office in a high-hand or oppressive manner, or has so far as affiant knows, undeservedly punished any attorney, person, litigant, official, or witness; that he has at all times conducted his court with efficiency, dignity and decorum. Affiant denies that he has been guilty of coercing, oppressing, fining, or jailing many, or any, persons without right or primarily on account of his ill-temper, or inability to control it.

Affiant further denies that the Honorable King Swope has improperly or illegally, or at all, doctored or changed any records of his court.

Affiant says that he was not present in the Fayette Circuit Court on Friday, February 11, when the sheriff of Scott County was before the Fayette Circuit Court, but that affiant

does not believe from his experience and knowledge of the Judge of the Fayette Court that he compelled said sheriff, or anyone, to sign a paper that was false or untrue. Affiant does not believe, and denies that the Judge of the Fayette Circuit Court has annoyed, molested, punished, or attempted to punish the keepers of the various State institutions or any of them, in any fashion whatsoever; denies that the Judge of the Fayette Circuit Court has subjected anyone to ridicule or abuse, or has created an intollerable situation where opression, abuse, and display of temper by him and punishment by him are dreaded by attorneys or citizens or officials, or has created or maintained a reign of terror which has destroyed freedom of any citizen, official, or attorney in Fayette County appearing before his court.

Affiant further says that in his opinion the Honorable King Swope has been true in letter and in spirit to the oath which he took upon taking office, that he has been unfailingly courteous to his affiant on and off the Bench, and that affiant believes him to be an honest, fearless, and thoroughly competent member of the Judiciary.

Further affiant sayeth not.

J. KEENE DAINGERFIELD.

Subscribed and sworn to before me by J. Keene Daingerfield this the 15th day of February, 1938.

My commission as Notary Public will expire May 2, 1938.

ELIZABETH WHARTON PAGE,
Notary Public, in and for
Fayette County, Kentucky.

AFFIDAVIT OF EARLE FOWLER

The affiant, Earle Fowler, states that he has been a regular practicing attorney at the Fayette County Bar for the past eleven years and that he has practiced continuously before the Honorable King Swope from the time the Honorable

King Swope first became Judge of the Fayeete Circuit Court until the present.

He states that he has read the complaint of the petitioner filed before the General Assembly asking for impeachment of Judge Swope and that he is personally acquainted with Judge Swope's handling of said court and that it is not true that Judge King Swope has been guilty of misfeasance, nonfeasance or malfeasance as Judge or that he is unfit to hold the office of Circuit Judge or any other office. He states that it is not true that Judge Swope has exercised the powers of his office in unwarranted and oppressive manner or that he is a person in whom it is unwise to entrust the duties of the office of Circuit Judge. He further states that from his experience he has found Judge Swope to be a man of high intellect, of sterling integrity, and a Judge who could not be swerved from the true exercise of his best judgment in cases regardless of the zeal or the persuasiveness of the lawyers before his Bar.

He states that Judge Swope is a strict disciplinarian and that in the exercise of such discipline it sometimes became necessary to call to account both the attorneys and the officers of the court who had either failed in their duties or overstepped the bounds of their authority. He states that in all these matters King Swope has dealt with the offenders for the purpose of facilitating the speedy handling of the cases in his court; and that as a result the aggravating delays that have occurred in other courts do not occur in Fayette County.

The affiant states that in one case in which he was personally engaged the case of which is listed in the record of the Court of Appeals as the Occidental Insurance Company vs Earnest Chasteen, et al, and recorded in the Kentucky Report No. 225 at page 710; that there was filed in said case a Bill of Particulars by the Honorable Frank Drake of Louisville, Kentucky, which stated that the records in said case had been illegally doctored and was changed by the Judge of said

court of someone at his direction; the affiant states that he is personally aquainted with the facts in said case and that the record which was propared for the Court of Appeals is a true and accurate account of said trial. The affiant states that this is the only case to his knowledge any such charge has been made and that in this case the charge which was made was not true.

The affiant states that to his personal knowledge Judge Swope has not been guilty of coercion, oppression or of fining and jailing persons without right and that he further states that the petitioner has been improperly informed as to the facts concerning the conduct of Judge Swope as Judge of the Twenty-Second Judicial District.

EARLE FOWLER

Subscribed and sworn to before me by Earle Fowler on this the 16th day of February, 1938.

My commission expires on the 23 day of May 1938.

ETHEL R. STAMPER
NOTARY PUBLIC, FAYETTE CO., KY.

Commonwealth of Kentucky
County of Fayette } Sct.

I, Raymond Mucci, being a practicing member of the bar of Fayette County, Kentucky, state that the accusations made against Judge King Swope are untrue, ungrounded and false. I further state that within my knowledge the said King Swope has never intimidated or harassed any witnesses, attorneys or officers of the Court in any manner.

RAYMOND MUCCI.

Subscribed and sworn to before me by Raymond Mucci, this 16th day of February, 1938.

My commission expires on the 29th day of April, 1940.

FAYE GATTON
Notary Public, Fayette County, Ky.

Commonwealth of Kentucky
County of Fayette } Sct.

Troy D. Savage, Attorney at Law, states that he has found by his practice association with the Fayette bar and the Circuit Court in particular under the present Judge King Swope to be highly satisfactory and to his knowledge the present judge has never intimated, harassed or terrorized any one in his Court. I have found Judge Swope's work to be eminently satisfactory.

TROY D. SAVAGE

Subscribed and sworn to before me by Troy D. Savage this 16th day of February, 1938.

My commission expires on the 29th day of April, 1940.

FAYE GATTON
Notary Public, Fayette Co., Ky.

AFFIDAVIT

The affiant, A. Q. Gillespie, states that he had known Judge King Swope for the past fifteen years. That he has been associated with him since he has been Judge of the Fayette Circuit Court, many times as a member of the Petit Jury and of the Grand Jury, and that at all times Judge Swope has always been impartial in his conduct on the bench.

The affiant states that he has commented upon the fair and impartial treatment Judge King Swope has always shown toward the litigants that have come before his Court.

Affiant states that he has always been courteous to the members of the juries and has not in any way tried to influence them during the trial of a case. Affiant further states Judge King Swope has assisted him and other members of the Grand Jury in making investigations, giving them support when needed.

Affiant states that he has never seen or heard of Judge

Swope taking any unfair advantage of anybody coming before his court. That his strictness in his Court is to be commended and not condemned.

Affiant further states that he has read the several complaints set up in the petition now pending before the House of Representatives, and that they are unfounded and untrue.

A. Q. GILLESPIE

Subscribed and sworn to before me by A. Q. Gillespie, at Lexington, Kentucky, on this 16th day of February, 1938.

My commission expires on the 19th day of September, 1940.

W. H. HANRATTY
Notary Public, Fayette Co., Ky.

AFFIDAVIT OF W. H. HANRATTY

The affiant, W. H. Hanratty, states that he is now, and has been for the past ten years, a regular practicing attorney at the Fayette County Bar; that he has regularly attended Court and has had ample opportunity and occasion to observe the conduct and demeanor of Honorable King Swope in presiding over the Fayette Circuit Court.

The affiant states that the Honorable King Swope has at all times observed a fair and impartial attitude in the conduct of cases; that he has maintained a strict discipline but that he has at no time abused the power vested in him by virtue of his office.

The affiant states that he has read and examined the petition which has been presented to the General Assembly of Kentucky by Plummer Vance, asking for the impeachment of Judge King Swope upon seven counts set forth in that petition.

The affiant states that he has regularly practiced before Judge King Swope and has never known him to be guilty of

any of the charges as set up in this petition, and that contrary to the impression created by said petition that Judge Swope handles his Court in a high-handed manner and is oppressive to both attorneys, officials and litigants, Judge Swope is fair and courteous to all parties and has the reputation generally of according justice and fair dealing to anyone who appears in his Court, and that he is the type of official who should be commended rather than condemned.

W. H. HANRATTY

Subscribed and sworn to before me by W. H. Hanratty, at Lexington, Kentucky, on this the 16th day of February, 1938.

My commission expires on the 21st day of September, 1941.

MARCELLA HANRATTY
Notary Public, Fayette Co., Ky.

State of Kentucky
County of Fayette } Set:—

The affiant, J. J. McBrayer, states that he is a regular practicing attorney, and has been for nineteen years; that he has been an active practitioner under the term of Judge King Swope; that he has practiced to a great extent, criminal law in said Court, and that upon the trial of these cases, and upon the trial of all other cases that have come to his attention in which the affiant has been engaged, the said Judge King Swope has always presided fairly and impartially, and have given every consideration to the persons involved and has treated the affiant with the utmost consideration and courtesy.

The affiant further states that this affiant's observation of the said Judge King Swope's decisions in all cases has been that the said Judge King Swope has been absolutely fair in every respect and this affiant considers said Judge an able and conscientious jurist.

J. J. MCBRAYER

Subscribed and sworn to before me by J. J. McBrayer, this the 16th day of February, 1938.

My commission expires March 23, 1940.

MARGARET DUDDERAR
Notary Public, Fayette Co., Ky.

State of Kentucky
County of Fayette } Sct.

The affiant, Susan B. Henry, states that she is a member of Fayette County Bar, and was admitted to the practice of law in the State of Kentucky, in the year, 1928, and has had cause to be before Judge King Swope on matters during his incumbency as Judge of Fayette Circuit Court.

Affiant states that Judge Swope is an untiring worker, absolutely honest and capable in the office which he holds, and that he, at all times, has treated the affiant in a courteous manner.

Affiant further states that she knows of no reign of terror existing in Fayette Circuit Court brought about by any conduct of Judge King Swope.

SUSAN B. HENRY

Subscribed and sworn to before me by Susan B. Henry, this February 16th, 1938.

LEE M. BRADLEY
Notary Public, Fayette Co., Ky.

Commonwealth of Kentucky,
County of Fayette:

Affiant, A. M. Hall, states that he is a regularly and duly licensed and practicing attorney of Fayette County Bar, and has been practicing his profession since the year 1912, and that during that time he has practiced before four Judges of

Fayette Circuit Court, and that he has never known of any judge presiding in Fayette Circuit Court, that has dispatched the business of the Court more promptly and efficiently than Judge King Swope; that affiant has had many matters tried before Judge Swope during his incumbency, and has never known of his showing any impartiality among litigants or attorneys.

A. M. HALL

Subscribed and sworn to before me by A. M. Hall, this the 16th day of February, 1938.

My commission expires October 13, 1940.

SUSAN B. HENRY,
Notary Public, Fayette County, Ky.

State of Kentucky
County of Fayette } Sct.

The affiant, Angus W. McDonald, states that he is a regular practicing attorney before the Bar of Fayette County, Kentucky, and has been practicing before the Fayette Circuit Court, of which Judge King Swope is judge, since 1935.

He states that said Judge Swope is in his opinion an honest, upright, and industrious Judge and capable of holding the position which he holds, that he has treated affiant personally with consideration and courtesy and that affiant is not aware of any reign of terror existing in Fayette County because of said Judge Swope's conduct.

ANGUS W. MCDONALD.

Subscribed and sworn to before me by Angus W. McDonald this the 16th day of February, 1938.

MILDRED W. ENGLISH,
Examiner, Fayette County Kentucky.

State of Kentucky
County of Fayette } Sct.

The affiant, J. Nathan Elliott, states that he is a member of the Fayette County Bar, and has been for thirty-seven years, and has practiced his profession in the Fayette Circuit Court during Judge King Swope's incumbency as Judge of that Court. Affiant states that Judge Swope is industrious, honest, and capable in that office, and that at all times he has treated affiant courteously and fairly in his practice before him.

He knows of no reign of terror existing in the conduct of the business of the Fayette Circuit Court under Judge Swope.

J. NATHAN ELLIOTT.

Subscribed and sworn to before me by J. Nathan Elliott, this the 16th day of February, 1938.

MILDRED W. ENGLISH,
Examiner, Fayette County, Kentucky.

State of Kentucky
County of Fayette } Sct.

Affiant, Joseph J. Bradley, states that he is a member of the Fayette County Bar, and has been for eleven years, and has practiced his profession in the Fayette Circuit Court during Judge King Swope's incumbency of that Court. Affiant states that Judge Swope is industrious, honest and capable in that office, and that he has at all times been courteous to this affiant in his practice before him.

Affiant further states that Judge Swope is innately and thoroughly honest, and he has been fair and impartial in all cases which this affiant has practiced or presented before him.

JOSEPH J. BRADLEY.

Subscribed and sworn to before me by Joseph J. Bradley this the 16th day of February, 1938.

LEO M. BRADLEY,
Notary Public, Fayette Co., Ky.

State of Kentucky
County of Fayette } Sct.

Affiant, M. Don Forman, says that he has been a member of the Fayette County Bar since December 22, 1898, and has known Judge King Swope for many years, both as practioner and judge; and that he has always demeaned himself as a gentleman representative of the highest type of the legal profession.

Affiant further says that since Judge Swope was elevated to the Bench he has uniformly treated this affiant, and others, with fairness, consideration, and courtesy, on all occasions while affiant was in his Court; that he has conducted his Court in an orderly and impartial manner, displaying unusual executive talents; that he (this affiant) never heard of Judge Swope's integrity being questioned, and that he has implicit faith and confidence therein, as well as in his marked ability as a lawyer and impartiality as a Judge.

M. DON FORMAN.

Subscribed and sworn to before me by M. Don Forman, this the 16th day of February, 1938.

MILDRED W. ENGLISH,
Examiner, Fayette County, Kentucky.

Commonwealth of Kentucky,
County of Fayette: } Sct.

Affiant, A. S. Moore, states that he is a practicing attorney of Fayette County Bar, and has been such for a period of thirty-seven years, and during all of the incumbency of Judge

King Swope, as Circuit Judge of Twenty-second Judicial District, he has had numerous cases before him, and that he has always received fair treatment and a fair and impartial hearing before said Judge Swope in all matters and cases which he has had before him.

Affiant further says that Judge Swope is a conscientious, tireless worker in the capacity of Circuit Judge, that he promptly dispatches and hears all matters that come before him, and that he conducts his Court in a fair, fearless and impartial manner, and is courageous in the enforcement of the law.

Affiant further says that any statement that there is any reign of terror in Fayette County emanating from the office of the Circuit Judge, or from any other source, known to this affiant, is absolutely false and without any foundation of fact to support it.

A. S. MOORE.

Subscribed and sworn to before me by A. S. Moore, this 16th day of February, 1938.

SUSAN B. HENRY,
Notary Public, Fayette County, Ky.
My Commission expires 10-13-1940.

State of Kentucky
County of Fayette } Sct.

Affiant, Carneal Kinkead, says that he is a citizen and taxpayer of Lexington, Fayette County, Kentucky, and that he knows Judge King Swope, Judge of the Fayette Circuit Court, and has known him for a number of years, that he has on various occasions served as a grand and petit juror in the Fayette Circuit Court, and so far as he has been able to observe, Judge Swope has treated attorneys, jurors, parties, and witnesses with courtesy and consideration, and that affiant believes, and now states that Judge Swope is an

honest, honorable gentlemen and a fearless, fair and impartial Judge.

Further affiant sayeth not.

CARNEAL KINKEAD.

Subscribed and sworn to before me by Carneal Kinkead, this the 16th day of February, 1938.

MILDRED W. ENGLISH,
Examiner, Fayette County, Kentucky.

State of Kentucky
County of Fayette } Set.

I, Geo. B. Kinkead, the oldest living member of the Fayette Bar, who was admitted on the 29th day of February, 1872, affirm on oath that I have known Judge King Swope, personally and officially, for many years, and that I am thoroughly familiar with the reputation he has established in this community. In the opinion of those capable of the best thought of our citizenry, he is esteemed at the very top of the long line of judges who have filled the Bench of the Fayette Circuit Court. He is admittedly a man of unswerving honesty, pure integrity, and highly accomplished as a lawyer, and fearless in the discharge of his official duties. He has justly won for himself the overwhelming confidence and commendation of all our people, who are shocked that he should be embarrassed by a proceeding so ill-founded, and so calculated to impair his usefulness.

GEO. B. KINKEAD.

Subscribed and sworn to before me by Geo. B. Kinkead, this 16th day of February, 1938.

MILDRED W. ENGLISH,
Examiner, Fayette County, Kentucky.

State of Kentucky
County of Fayette } Sct.

Affiant, R. H. Tomlinson, states that he is a member of the Fayette County Bar, and has been for eighteen years, and has practiced his profession in the Fayette Circuit Court during Judge King Swope's incumbency of that Court. Affiant states that Judge Swope is industrious, honest and capable in that office, and that he has at all times been courteous to this affiant in his practice before him.

R. H. TOMLINSON

Subscribed and sworn to before me by R. H. Tomlinson this the 16th day of February, 1938.

LEO M. BRADLEY
Notary Public, Fayette Co., Ky.

Affiant, Dudley B. Veal, states that he has been Jailer of Fayette County, Kentucky, since 1930, having been elected as Democratic nominee for said office in the regular election of November, 1929, for a term of four years, and again as the Democratic nominee at the regular elections in November, 1933 and 1937, respectively. Affiant says that in his official capacity as Jailer of Fayette County it is his duty to attend all sessions of the Fayette Circuit Court, and that he has attended all sessions of said Court held by the present presiding Judge, the Honorable King Swope.

Affiant says that he has always been treated with the utmost courtesy by Judge Swope, and that Judge Swope has aided and assisted him in many ways in the conduct of his office and the performance of his duties in handling prisoners brought before the Fayette Circuit Court. Affiant says that Judge Swope has never to his knowledge abused any public official, regardless of political affiliation of such official, and has never subjected any individual, attorney, official or witness to any annoyance, punishment, ridicule or abuse, but on

the contrary he has treated all officials who have appeared in his court with the kindest consideration. The statement that Judge Swope has brought about, created, or maintained a "reign of terror" in his Court is absolutely false.

DUDLEY B. VEAL
Dudley B. Veal, *Affiant*

Subscribed and sworn to before me by Dudley B. Veal, this the 15th day of February, 1938. My commission expires on the 8th day of May, 1938.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

Affiant, Jessie Wilburn, states that he is a member of the Lexington Police Department, City of Lexington, Kentucky, and that he has been such for the past eleven years. Affiant states that during the time that Judge King Swope has been Circuit Judge of Fayette County he has on numerous occasions been in the Circuit Court over which Judge Swope presides, and on every occasion that he has been in said court he has been treated with the utmost courtesy and consideration by the Court. Affiant states that he has never yet heard Judge Swope abuse any one in any way in the Court, or elsewhere Affiant states that he is a Democrat, but that he was not opposed to Judge Swope's election, either as Circuit Judge or for Governor of Kentucky, and that he voted for him on both occasions.

JESSE WILBURN
Jessie Wilburn

Subscribed and sworn to before me by Jessie Wilburn, this 15th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

Affiant, Ernest Thompson, states that he is the duly elected and acting Sheriff of Fayette County, his term of office beginning January, 1938. Affiant states that prior to being Sheriff of Fayette County, he was Chief of Police of Lexington, Kentucky, and that he has held office as Chief of Police and as Sheriff ever since Judge Swope has been Judge of the Fayette Circuit Court. That he knows Judge Swope well, and has been intimately associated with him officially during all that time. That the charges appearing in the complaint filed with the Legislature that Judge Swope has abused and mistreated Sheriffs and deputies is wholly false. Judge Swope has been kind and considerate of this affiant, both when he was Chief of Police and since he has been Sheriff, and cooperated at all times and backed up the law enforcement agencies in this county, regardless of political affiliations. That this affiant is a Democrat and elected as such, but he does not approve of this type of charge which has been made against a Judge who is fearlessly enforcing the law. That the charge that Judge Swope has intimidated witnesses and spectators in the Court will be found to be wholly uncorroborated. That the charge that he has established a "reign of terror" in Fayette County is ludicrous. He does conduct a dignified and orderly court, and enforces his rules. That the charges that he has brow-beaten municipal officers is wholly unfounded, and affiant makes this statement voluntarily in order that justice may be done.

ERNEST THOMPSON
Ernest Thompson

Subscribed and sworn to before me by Ernest Thompson, on this the 15th day of February, 1938.

My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

We the undersigned, deputy sheriffs of Fayette County, who took office in January, 1938, under Sheriff Ernest Thompson, and all Democrats, take this means of denying the false accusations appearing in a certain complaint against Judge King Swope. As these charges appear in yesterday and today's papers, he is charged with abusing sheriffs and their deputies, and other public officials. Nothing could be farther from the truth. All of the undersigned, with the exception of James V. Hall and Will Kinkead, served as Deputy Sheriffs under J. Porter Land for the term from January 1934 to January 1st, 1938. At all times Judge Swope has been kind and considerate to all of the undersigned, and while he has stood for law enforcement, he has never set up a "reign of terror." This affidavit is executed in triplicate.

HORACE MULBERRY
Horace Mulberry, *Court Room Deputy Sheriff*
O. H. MAUSER
O. H. Mauser, D. S.
JOHN WM. AHERN
John Ahern, D. S.
C. H. FARRIS
C. H. Farris, D. S.
E. S. KINKEAD
E. S. Kinkead, D. S.
J. M. PIPER
J. M. Piper, D. S.
LUTHER LAND
Luther Land, D. S.
JAMES V. HALL, D. S.
James V. Hall, D. S.
W. B. KINKEAD
Will Kinkead, D. S.

Subscribed and sworn to before me by Horace Mulberry,

Oswald Mauser, John Ahern, C. H. Farris, E. S. Kinkead, J. M. Piper, Luther Land, James V. Hall and Will Kinkead, this 15th day of February, 1938.

My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

Affiant, J. Porter Land, states that he was Sheriff of Fayette County from January 1, 1930 to June 26, 1931, and also Sheriff of Fayette County from January 1st, 1934 to January 1st, 1938. That during all of the last period and part of the first period Judge King Swope was Judge of the Fayette Circuit Court. That this affiant was well acquainted with the said Judge Swope and the manner in which he ran his court, often being in the Court room assisting the court room deputy. That Judge King Swope was at all times courteous and considerate, not only of this affiant, but all of his deputies. That he never abused this affiant at any time or any other public official; that he has read the charges appearing in the local press printed on this date againt Judge Swope, and is frank to say that the same are in his opinion false from beginning to end. As to Judge Swope's establishing a "reign of terror" in Fayette County, that much of said statements is both untrue and absurd. Judge Swope has always stood for strict enforcement of the law, and conducted the court in a dignified manner, insisting on order and strict discipline. Affiant states that he is a Democrat and has been all of his life, and as such opposed Judge Swope in each of his elections, but the same was a purely political consideration, as no criticism or complaint could honestly be made against the quality of justice administered in Judge Swope's Court. This affidavit is executed in triplicate.

J. PORTER LAND
J. Porter Land, *Affiant*

Subscribed and sworn to before me by J. Porter Land, this the 15th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

The affiant, J. Hervey Kerr, states that he is now and has been for more than twelve years past, Coroner of Fayette County, Kentucky. Affiant states that he has read the absurd charges appearing in the press which certain individuals have filed in the Legislature against Judge King Swope, and particularly charging him with intimidating witnesses, and setting up a "reign of terror" in Fayette County. Affiant states that he has testified in criminal cases before Judge King Swope more than any other county officer, and has spent much time in the Court room over which Judge Swope presides. That Judge Swope has never intimidated this affiant, or threatened or abused him, in his life, either in or out of the court house, and that the most cordial relations now exist and always have existed between this affiant and the said Judge Swope. Affiant states that never at any time while he has been present in the Court room has he ever observed any misconduct on the part of Judge Swope, nor any threatening, brow-beating or abusing of any witnesses.

J. HERVEY KERR
Affiant

Subscribed and sworn to before me by J. Hervey Kerr, this the 16th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette Co., Ky.

We, the undersigned, Deputy County Clerks of Fayette County, Kentucky, serving under Hon. S. Higgins Lewis,

the regularly elected Democratic Clerk of Fayette County, Kentucky, who have personal knowledge of the facts, deny that any of the accusations appearing in a certain complaint against the Honorable King Swope, Judge of the Fayette Circuit Court, are true, but state that all of said accusations are wholly unwarranted and false in their entirety. Judge Swope has at all times been kind, courteous and considerate of the undersigned, who as public officials of Fayette County have been required to appear in his court in the discharge of their official duties. Judge Swope has been firm in his stand for law enforcement, but the charge that he has set up a "reign of terror" in Fayette County is ridiculous and absurd.

M. C. FORSHEE
S. J. BANAHON
J. R. LEDFORD
CARTER HALEY
E. J. HENRY

Subscribed and sworn to before me by the above named Deputy Clerks this the 16th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY),
Notary Public, Fayette Co., Ky.

The affiant, W. E. Nichols, states that he is now and has been for more than four years past County Judge of Fayette County. Affiant states that he is a Democrat and was elected as such; that he has read the absurd charges appearing in the press which certain individuals have filed in the Legislature against Judge King Swope, and particularly charging him with brow-beating attorneys and setting up a "reign of terror" in Fayette County. Affiant states that he has practiced in that Court ever since Judge Swope became Circuit Judge, and that he always received every courtesy and con-

sideration. That Judge Swope never intimidated, threatened or abused him in his life, in or out of the court house, and that the most cordial relations now exist and always have existed between this affiant and the Circuit Judge.

W. E. NICHOLS.
W. E. Nichols.

Subscribed and sworn to before me by W. E. Nichols this the 15th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY),
Notary Public, Fayette County, Kentucky.

Affiant, S. Higgins Lewis, says that he has been Clerk of the Fayette County Court on two separate occasions, his present tenure having begun in January, 1934, and continued to the present time, and that his present term of office expires in January, 1942. That since 1934 he has been in the same Court house where Circuit Judge, King Swope, conducts the Fayette Circuit Court. Affiant further states that he is a life-long Democrat but feels constrained to protest against the nature of the charges recently made in Legislature against Judge King Swope. Affiant states that he has either seen Judge Swope, or been in or around the Court House and Circuit Court almost daily, and that the said Judge Swope has been cordial to him on all occasions, and the epitome of courtesy. Such charges as setting up a "reign of terror" in Fayette County are absurd to the citizens of Fayette County who know him. Judge Swope has operated his Court economically, impartially and fearlessly, and is strict in the matter of order and decorum, all of which lend to the dignity of the Court. Affiant further states that he makes this statement of his own free will, and in the interest of justice.

S. HIGGINS LEWIS.
S. Higgins Lewis.

Subscribed and sworn to before me by S. Higgins Lewis, this 15th day of February, 1938. My commission expires on the 8th day of May, 1940.

VIRGINIA HANSON (MULBERRY),
Notary Public, Fayette Co., Ky.

Affiant, George E. DeLong, states that he is now, and has been for over six years, the duly elected Clerk of the Fayette Circuit Court; that he is a Democrat, and has been all of his life; that prior to the time that he was Clerk of the Court aforesaid he was Deputy Clerk for approximately nineteen years; that he has been Deputy Clerk or Clerk ever since King Swope has been Judge of the Fayette Circuit Court; affiant states that he has read the charges against Judge King Swope, as published in the local press of this date, and says that said charges are wholly untrue. Affiant says that he is custodian of the records of said court, and that he knows of his own personal knowledge that Judge King Swope never "doctored or changed" any records, but has always been a stickler, so to speak, for keeping the records exactly right. Judge Swope has been courteous and considerate of this affiant and all of his deputies at all times. He has never abused this affiant, or any other officers of the Court. Affiant further states that he was present in Court performing his duties when Judge Swope administered a fine against the Sheriff of Scott County for failure to execute a warrant for an order of arrest issued by one of this affiant's deputies. Affiant states that Judge Swope did not compel said Sheriff of Scott County to sign anything. That said Sheriff of Scott County was represented in Court by Hon. Victor Bradley of Georgetown, Kentucky, a former Commonwealth's Attorney; that said Bradley asked for time to amend his response, which request was granted by the Court, and Mr. Bradley and his client went out of the Court Room and called a special reporter to dictate the response.

As to the statement and charges that Judge Swope has

established a "reign of terror" in Fayette County, nothing could be farther from the truth. Affiant has served under five circuit judges in the last 26 years, all able judges, but not one of them has been more devoted to his duties, or regarded them with any higher conception than has Judge King Swope. This affidavit is executed in triplicate.

GEO. E. DELONG
George E. DeLong

Subscribed and sworn to before me by George E. DeLong on this the 15th day of February, 1938.

My commission expires on the 8th day of May, 1940.

VIRGINIA D. HANSON (MULBERRY)
Notary Public, Fayette County, Kentucky

AFFIDAVIT

The affiant, Dan Fowler, states that he has been a regular practicing attorney since October 21st, 1933, and that he has practiced before the Honorable King Swope continuously from that time to the present; that he has attended court regularly and frequently during that time, and has had opportunity to observe how the said Judge Swope acts and conducts his court, as well as how he has acted toward this affiant, and the affiant states that he has at all times found the said Judge Swope to be fair and impartial both to attorneys and litigants and to attendants upon the court.

The affiant states that he has examined the charges brought against Judge Swope and now pending before the House of Representatives of Kentucky and the affiant states that said charges are untrue, said charges have no semblance of truth and in his opinion are made from pure political motives; and that the charges made have no foundation in truth, and that there has been nothing in the conduct in the record of Judge Swope to warrant such unfair charges.

DAN E. FOWLER

Subscribed and sworn to before me on this the 16th day of February, 1938.

My commission expires on the 23rd day of May, 1938.

ETHEL R. STAMPER
Notary Public, Fayette Co., Ky.

AFFIDAVIT OF ELMER DRAKE

The affiant, Elmer Drake, states that he is now and has been for the past seven years, a regular practicing attorney and member of the Fayette County Bar. That he has continuously practiced before the Honorable King Swope, Judge of the Fayette Circuit Court, during said time. That he has read the charges stated in the petition for impeachment filed by Plummer Turner, and now pending before the Kentucky House of Representatives, and he knows of his own personal knowledge that the same are unfounded an untrue.

The affiant further states that he was personally present in the Courtroom of the Fayette Circuit Court on the 11th day of February, 1938, when Horace Gatewood, Sheriff of Scott County, Kentucky, was brought before the Judge of the Fayette Circuit Court on a Rule. The affiant states that he heard the arguments of the Honorable Victor Bradley, attorney for the said Horace Gatewood, and that he heard all statements made by the Honorable King Swope at that time. The affiant states that it is untrue that the Judge compelled the Sheriff of Scott County to sign any paper under threat and compulsion, or that he would send him to jail if he refused to sign same.

The affiant states that on that occasion, Mr. Bradley, asked leave of the Court to be permitted to amend his response and that permission was granted him by the Court; that thereafter said amended response was offered to the Court by Mr. Bradley, and that at no time was it claimed by

Mr. Bradley or by Mr. Gatewood, or by anyone else that any statement or statements therein were false or untrue, and the said Horace Gatewood signed same of his free will.

The affiant states that the charges contained in said petition that "Judge Swope has brought about, created and maintained, a reign of terror which has destroyed the freedom of many citizens," is absolutely untrue. That this affiant from his observations of the procedure and the actions of Judge King Swope in the trial of cases before him, states that every litigant receives a fair and impartial trial regardless of his station in life, and that the said Judge King Swope is known among the people of Fayette County as one who defends the rights of all the people and is not motivated by any prejudice or personal feelings whatsoever.

The affiant further states that there is no truth in any of the other charges contained in said complaint.

ELMER DRAKE

Subscribed and sworn to before me by Elmer Drake, at Lexington, Kentucky, on this the 16th day of February, 1938.

My commission expires on the 19th day of September, 1940.

W. H. HANRATTY
Notary Public, Fayette Co., Ky.

Commonwealth of Kentucky
County of Fayette } Sct.

Affiant, Walter A. Kirkpatrick, states that he is a regular practicing attorney of Fayette County, Kentucky, and before the Fayette Circuit Court; states further that the charge levied against Judge Swope of conducting a reign of terror in his Court is an utter absurdity and absolutely unfounded; states further that to his personal knowledge, as a practicing attorney before the said Honorable Judge Swope, the charge of

intimidating witnesses, attorney and jurymen is absolutely false in its entirety; states further that this affiant personally and professionally knows the absolute and punctilious integrity of the Honorable Judge King Swope and he, therefore, knows that the charge of changing records is without assemblance of truth. Affiant further states, specifically and generally, that all of the charges are false, groundless and untrue, that this affiant knows and hereby cites the integrity and fairness of the Honorable Judge King Swope in his handling of matters on the bench, the high degree of justice meted out by Judge Swope's Court and the high regard and esteem which those who practice before the Honorable Judge Swope have and hold for him.

WALTER A. KIRKPATRICK.

Affiant, Walter A. Kirkpatrick, states that he has read the foregoing statement and that it is true.

WALTER A. KIRKPATRICK.

Subscribed and sworn to before me by Walter A. Kirkpatrick, this 16th day of February, 1938.

My commission expires the 29th day of April, 1940.

FAYE GATTON,
Notary Public, Fayette Co., Ky.

AFFIDAVIT O. F. BYRON

I have been a member of the Fayette County Bar for more more than ten years, six years of which I have practiced law before the honorable King Swope, Judge of said Court. In repudiation of the charges that have been brought against him, this affiant states that I have had occasion to observe his deportment at all times on the bench; that his manner is firm and that he maintains a strict dicipline and decorum in his court. Notwithstanding his firmness, he has been courteous

and has treated all attorneys and litigents with the utmost fairness. Further states that it is apparent, and well known to all attorneys and litigents in Fayette County, and is a matter of personal comment, that Judge Swope knows no favorites, and deals with all attorneys and litigents in the same fair and impartial manner and in the interest of justice to all, at all times.

And further states that I have examined the charges carefully and there is not a semblance of truth to any of them.

O. F. BYRON.

Subscribed and sworn to before me by O. F. Byron, on this the 16th day of February, 1938.

My commission expires on the 19th day of September, 1940.

W. H. HANRATTY,
Notary Public, Fayette Co., Ky.

AFFIDAVIT OF CHARLES WYLIE

The affiant, Charles Wylie, says that he is a resident of Jessamine County, and a regular practicing attorney in the Fayette Circuit Court; that he has known the Honorable Judge King Swope for ten years and that he has practiced before him since 1935; that he has had an opportunity to observe the conduct of the Fayette Circuit Court and has never seen a Court conducted on a higher plane than the Fayette Circuit Court. He says that the Court is conducted very economically.

He says that he regularly attends motion hour in said Court and that he has been treated with utmost respect by the Court and that he has never seen the Court do other than treat every lawyer with the same respect. He says that Judge Swope is highly respected by the citizens in Fayette County and the City of Lexington.

He says that he has read the impeachment charges intro-

duced in the House of Representatives and that they are false and untrue and is considered by this affiant as ridiculous.

CHARLES WYLIE.

Subscribed and sworn to before me by Charles Wylie this 16th day of February, 1938.

My commission expires on the 29th day of April, 1940.

FAYE GATTON,
Notary Public, Fayette Co., Ky.

State of Kentucky }
County of Fayette } Sct.

R. E. Lee Murphy states that his Law Offices are located in the McClelland Building, Lexington, Kentucky, and he has practiced continually before Hon. King Swope, Judge of the Fayette Circuit Court since said Judge has presided over said Court; that he has read the alleged charges against said Judge that appeared in the newspapers February 14th and February 15th and from his own knowledge states that they are wholly untrue.

Affiant further states that he has been in a position to observe the conduct of said Judge towards the practicing Attorneys, the officers of the Court, including Jurors, witnesses and the public, and knows that the conduct of said Judge has always been above reproach.

R. E. LEE MURPHY.

Subscribed and sworn to before me this the 15th day of February, 1938.

ANNE PHILLIPS,
Examiner, Fayette County, Kentucky.

Affiant, Peter T. Clark, states that he is now and has been for more than twenty-four years a practicing lawyer, and member of the Fayette County Bar. That he is aware of certain charges which have been preferred in the Legis-

lature against the Honorable King Swope, Judge of the Fayette Circuit Court. Affiant states that he has known Judge Swope for more than twenty years; that his acquaintance and relations with him have always been cordial and friendly; that he has been in the Court of Judge Swope nearly continuously since he has been Judge of the Fayette Circuit Court; that he has observed his actions and the way he conducts the Court, and that he has always conducted said court in an efficient and able manner. That he is always courteous to lawyers practicing before him, and every one, rich or poor, who has just cause in his court is heard, and if anything his sympathy is with the poor and defenseless. Affiant states that any charge that he has terrorized or abused the lawyers or litigants or parties appearing in his court is wholly without foundation. Affiant states that he considers Judge Swope one of the best judges who has ever sat on the bench of the Fayette Circuit Court, and he has practiced under four of them.

PETER T. CLARK,
Peter T. Clark.

Subscribed and sworn to before me by Peter T. Clark, this 15th day of February, 1938.

VIRGINIA D. HANSON (MULBERRY),
Notary Public, Fayette Co., Ky.

Affiant, Paul H. Mansfield, says that he has been practicing law before the Fayette Circuit Court since the fall of 1934; that during said time he has frequently appeared before Judge King Swope, Judge of the Fayette Circuit Court; in cases in which his clients were interested; that in the hearing and disposition of these cases Judge Swope has always given him a fair and impartial hearing and has extended to him courteous treatment.

Affiant says that in politics he is a democrat but has never seen that political differences with Judge Swope, who

is a Republican, has in any way affected this affiant or his clients in their hearings before the Judge.

PAUL H. MANSFIELD.

Subscribed and sworn to before me by Paul H. Mansfield this the 16th day of Fabruary, 1938.

My commission expires June 13, 1940.

LUCILLE DALZELL EVANS,
Notary Public, Fayette Co., Ky.

State of Kentucky }
County of Fayette } Sct.

The affiant, Taylor N. House, states that he is now and has been for more than twenty-three years a lawyer and a member of the Fayette County Bar and that he is now and has always been an active member of the Democratic Party; that he has read in the press the charges of impeachment introduced in the Legislature against Hon. King Swope as Judge of the Fayette Circuit Court and that he knows all of said charges to be wholly false and without any foundation whatsoever; that during the time this affiant has been a member of the Fayette Bar he has never known any judge who was as careful and particular to see that the orders and records of his Court were correct and true as has Hon. King Swope; that heretofore the honor and integrity of King Swope has never been questioned by any one notwithstanding he has been through several bitter political campaigns and that his honor and integrity are not only above reproach but also above suspicion of any fair-minded citizen; that during his term as Judge there has been less lawlessness and more respect for law and order in this community than at any time prior in this affiant's memory; that affiant was present in Court on February 11th, 1938 when the Scott County Sheriff filed his response to the rule issued against him; that he knows that the Judge

did not require said sheriff or his attorney, Victor Bradley, to sign or file anything and in fact expressly refused to direct said sheriff of his counsel what his response should state; that within forty minutes after the Court had directed said sheriff to produce the prisoner in question in Court said sheriff had produced him notwithstanding that for several days prior thereto and after he had the order of arrest in his hands he had not arrested him and that the acts of the sheriff and his response prepared and filed by his attorney showed conclusively that he had wholly disregarded the process of the Court and the orders of the Court and that the fine meted out to him was not only fair and just but was in fact lenient; that King Swope has a great zeal for the dignity and honor of his Court and for fairness and justice in determining all matters coming before him; that he always has been considerate of attorneys, jurors, parties, officials and other persons in his Court and that he has so conducted his office generally as to command the respect of all good people in this community, this February 15th, 1938.

TAYLOR N. HOUSE
Taylor N. House

Subscribed and sworn to before me by Taylor N. House this February 15th, 1938.

JOSEPH HENRY WURTENBERGER
Notary Public, In and For Fayette County, Kentucky.

My commission expires January 5, 1941.

AFFIDAVIT

State of Kentucky
County of Fayette } Sct.

The affiant, Anthony Thomson, states he is a licensed, practicing attorney for the Fayette County, Kentucky, Bar and has been so engaged since 1925. That, at present, he is

the first vice-president of the Fayette Bar Association, composed of all the attorneys practicing before said bar, and numbering some 165.

That the Honorable King Swope, Judge of the Fayette Circuit Court, has, since his assumption of the office of Judge of the Twenty Second Judicial District, been at all times fair, impartial, honest and discreet in all his dealings with the attorneys of this and all other Bars; that he has shown his high character and Christian type of man and judge at all times, and is of the highest credit to the judiciary of this Commonwealth. Through his constant efforts, he has effectuated considerable saving to Fayette County and to the Commonwealth in his handling of jury trials, and his regular insistence on prompt and ready trials has been widely commented upon, and commendations have been made of this action from many sources.

That, in affiant's opinion, the charges heretofore preferred against Judge Swope, are without foundation, and wholly at variance with his past well-established record

ANTHONY THOMPSON

Subscribed and sworn to before me by Anthony Thomson, this 15th day of February, 1938. My commission expires January 5, 1941.

JOSEPH HENRY WURTENBERGER
Notary Public, Fayette County, Kentucky

Affiant, Chester D. Adams, says that he is a practicing attorney of the Fayette Circuit Court and has been since 1912.

Affiant says that during the first two years Judge King Swope was Judge of the Fayette Circuit Court this affiant was County Judge of Fayette County; that during the time affiant was County Judge he was at all times as an official of the County accorded courteous treatment by Judge Swope. Affiant says that upon the termination of his term as County

Judge he resumed the active practice of law and in all cases in which he has appeared before Judge Swope has been treated with consideration and courtesy.

Affiant says that both as an official of the County of Fayette and as a practicing attorney he has never had any just cause or reason to complain of the treatment accorded to him by Judge Swope as Circuit Judge, but has as an official and as an attorney been shown courteous consideration.

Affiant says that his practice has been and is largely in equity matters which are tried by the Judge without a jury, and that in these cases Judge Swope has at all times shown his desire to assist the attorneys in properly presenting their cases so that their clients would have a fair, impartial and intelligent hearing.

Affiant says from his observation of the manner in which Judge Swope conducts his court he is of the opinion that attorneys appearing before him, litigants whose cases are tried in his court and officers appearing in his court, are shown proper courtesy and consideration.

CHESTER D. ADAMS

Subscribed and sworn to by Chester D. Adams before me this 15th day of February, 1938

My commission expires on the 4th day of October, 1938.

N. M. PERRANT
Notary Public, Fayette County, Kentucky

AFFIDAVIT OF C. F. KELLY.

The affiant, C. F. Kelly, says that he is a practicing attorney residing in Fayette County, Kentucky. That he has practiced his profession for more than twenty seven years in the courts of Kentucky, especially in the central and eastern portions thereof. That during said time he has personally appeared in argument before at least thirty Circuit Judges, whose names he now recalls. He says that he has had op-

portunity to observe the manner in which the said courts have been conducted and that he has never seen a court conducted on a higher plane than that presided over by Judge King Swope. He says that in his court there is an orderly dispatch of business consistent with the administration of impartial justice. Affiant says that the court over which Judge Swope presides is one handling more business than any other court presided over by a single judge and that in order to dispatch the work the rules of procedure are inforced but than this affiant has never seen a lawyer or client being denied a full and fair hearing. Affiant says that he regularly attends the motion hour of attorneys and has observed Judge Swope's treatment of attorneys and their clients. He says that on several occasions he has seen attorneys reprimanded but that on each occasion the attorney was in the wrong and that almost without exception the reprimand was occasioned by the attorney's over zealousness in the pressing of argument after an adverse ruling and after he has been requested to cease. Affiant says that Judge Swope is known to recognize no favorites in his court and that all are equally treated and that the treatment is always fair. Affiant says that he has read the impeachment charges against Judge Swope as they appeared in the daily newspapers and that the said charges are not only untrue but are ridiculously so. Affiant says that he makes this affidavit of his own free will and solely in the spirit of seeing that justice is done.

C. F. KELLY

Subscribed and sworn to by C. F. Kelly this February 15, 1938.

GEO. E. DELONG, C. F. C. C.
By: JOHN B. DELONG, D. C.

To Honorable John Kirtley, Speaker, and to the Entire Membership of the House of Representatives of the General Assembly oe Kentucky Sitting in Regular Session During the Year 1938:

Your petitioner respectfully represents that he is a male citizen of the state of Kentucky, more than twenty-one years of age, a legally qualified voter, and free from legal disability.

Your petitioner respectfully represents unto your honorable body that it is his purpose hereby to procure the impeachment of Judge King Swope as Judge of the Fayette Circuit Court and of the Twenty-Second Circuit Court District of the Commonwealth of Kentucky under and pursuant to the provisions of Chapter 68 of the Statutes of Kentucky and under and pursuant to the provisions of the Constitution of Kentucky.

Your petitioner respectfully states and charges that the said King Swope, Judge as aforesaid, should be impeached, tried, removed from office and held to be disqualified forever from holding any office upon the following grounds, to-wit—

(1). The said King Swope as judge as aforesaid has been guilty of such misfeasance, non-feasance and malfeasance in office as judge as aforesaid as shows him to be unsuitable and unfit to hold the office of circuit judge, or any other office.

(2). The said King Swope has exercised the powers of his office as circuit judge in such unwarranted and oppressive manner as shows him to be a person in whom it is unwise and unsafe to intrust the powers and duties belonging to the office of circuit judge.

(3). The said King Swope has on numerous occasions exercised the powers and duties of his office in a high handed

and oppressive manner by unduly, unreasonably and wantonly punishing various sheriffs, deputies, and other officials and employees of the counties, cities and state, and citizens, spectators, witnesses and other parties in his court including attorneys who practice before him; and has wilfully and wantonly abused, fined and jailed such persons without cause or sufficient reason therefor; and has thereby greatly interfered with the orderly carrying on of the business of arms of the state government and of arms and divisions of several county governments; and all of which shows the said King Swope to be so lacking in understanding and proper appreciation of the limitations of his own power and the rights of others as conclusively demonstrates his complete unfitness to hold said, or any, office.

(4). The said King Swope has been guilty of coercion, oppression, fining, jailing and abusing many persons without right and primarily on account of his ill temper and his inability to control his temper or exercise due restraint upon himself. He is, therefore, temperamentally and otherwise unsuitable and unfit to have, hold or exercise the powers or duties belonging to the office of circuit judge, or any other office.

(5). The said King Swope, as judge as aforesaid, has improperly and illegally doctored and changed records in his court; issued rules for the arrests of other officials without legal right and fined, abused and punished other officials without lawful, or other, right so to do. Moreover, he has, at least in one instance, compelled the sheriff of Scott county to sign a paper which was false and untrue under threat and compulsion that he would send him to jail if he refused to sign it and thus forced him to sign said paper in order to keep out of jail.

(6). Many and numerous other instances of the arbitrary and unlawful action of said King Swope, as judge as

aforesaid, might be cited, as for instance, he has proceeded outside and beyond his jurisdiction in annoying, molesting, punishing and attempting to punish the keepers of various state institutions and the Commonwealth of Kentucky and said keepers of said institutions have been thereby subjected to great and excessive annoyance and subjected to expense and trouble in suing out write of prohibition to restrain the said King Swope from proceeding outside of his jurisdiction and in a high handed and oppressive manner to fine and punish the keepers of said institutions, and all of which has hindered and hurt the public service in Kentucky and the maintenance and orderly carrying on of the business and work of several of the departments of the state government.

(7). By his high handed and oppressive use of the powers of his office as above set forth, and otherwise, the said King Swope has subjected numerous individuals, attorneys and officials to annoyance, punishment, ridicule and abuse, and all of which has brought reproach upon the authority of the courts of his district and created an intolerable situation where oppression, abuse and displays of temper by him and punishment are dreaded by attorneys, officials and citizens throughout the section of Kentucky in and surrounding his judicial district; and he has thus brought about, created and maintained a reign of terror which has destroyed the freedom of many citizens, all of which is subersive of the spirit of our free institutions, and show him utterly, wholly and totally unfit and unworthy to hold the high office of circuit judge, or any office.

Your petitioner, therefore, most respectfully requests your honorable body to proceed in the manner and form provided by law to investigate the official conduct of the said King Swope and to draw up and present suitable arti-

cles of impeachment against him and to cause the same to be tried as provided by law to the end that he may be removed from office and declared to be ineligible to hold any office whatsoever hereafter.

PLUMMER VANCE.

State of Kentucky, } Sct.
County of Franklin, }

The affiant, Plummer Vance, states that he signed and is familiar with the contents of the foregoing petition and that the statements contained therein are true.

PLUMMER VANCE.

Subscribed and sworn to before me by Plummer Vance, this February 12th., 1938.

My commission expires the 13th day of February, 1940.

HELEN HICKEY,
Notary Public, Franklin Co., Ky.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 108. An Act to amend and re-enact subsection ninety-eight a-five (98a-5) of Carroll's Kentucky Statutes, one thousand nine hundred and thirty-six (1936) Edition, same being an Act of the Kentucky Legislature, one thousand nine hundred and thirty-six (1936) session; and being a part of Chapter Six (6) at pages twenty-nine to thirty-one (29 to 31) of the Acts of said Legislature, regulating the qualifications and admission to practice of law of applicants in the State of Kentucky.

With a Committee amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection ninety-eight a-five (98a-5) of Carroll's Kentucky Statutes, one thousand nine hundred and thirty-six (1936) Edition, same being a part of Chapter six (6) of the Acts of the General Assembly of Kentucky, one thousand nine hundred and thirty-six (1936) regulating and prescribing the rules for admission of applicants to practice law in the courts of the State of Kentucky, be amended and re-enacted so that said subsection shall read as follows:

Sec. 98a-5. *Applicants to be examined; written examinations; subjects; passing grade; report to court; license; revocation for fraud; oath; exception to academic requirements.*—Applicants who may appear before the board for license to practice shall be examined as to their qualifications. All such examinations shall be in writing and be on such subjects as shall be prescribed by said Court of Appeals and the answers of the applicants to the questions propounded to them shall be graded by said board and no such applicant shall be granted a license unless he secures as much as seventy-five (75) per cent on each subject. The board shall certify to the said court the name of each applicant who shall have passed the required examination before it. The said Court shall enter an order licensing and admitting to practice as attorney and counselor-at-law in all courts of this State, each person who complies with the rules and regulations it shall adopt, which license, if procured by fraud may be revoked by the court at any time within two years from the date of its issuance. The applicant before beginning the practice of law shall take the oath as now required. However, any applicant who shall

have been a teacher in the common schools of this State for at least four years, and shall possess the required moral qualification, and have served as county judge or circuit court clerk or Clerk of United States District Court for at least one full term of four years in any one of the counties of this State, and shall have served one full term of two years as a member of the General Assembly of this State, and in addition, have a certificate from a law college or a correspondence law school showing two years study on a prescribed course of law and shall file with the board of examiners of this State, certificates of the foregoing requirements, such applicant shall be deemed to have all the academic and legal requirements of this Act and shall be eligible to and shall upon his application accompanied by the foregoing, receive his license and be admitted to the practice of law without a further examination before said board.

Said amendment as proposed by the Committee is as follows, viz:

Amend H. B. 108 on page 2, sec. 30 add after the word "state" the words "operated a standard elevator for two years"

Said amendment was disagreed to.

Ordered that said bill be read the third time

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Thomas Rigdon
Geo. P. Anderson	S. T. Hamilton	Joe E. Robinson
J. Everett Bach	C. L. Hammons	John C. Robinson
B. F. Bedford	Ira W. Hulette	William T. Rollo
Rell Bevins	John M. Hunnicutt	Clarence Rush
F. C. Boyd	W. H. Hunt	Carl Scheben
C. P. Bradbury	William K. King	Leon J. Shaikun
C. C. Byrne	Clyde D. Lester	W. S. Shanklin
J. F. Carr	D. T. Matlack	Parker Sims
Leonard Carson	Peter P. Mattingly	A. Frank Tabb
George S. Clay	C. C. May	W. R. Tapp
H. S. Cleveland	M. T. McCarthy	Carl M. Taylor
T. Fowler Combs	T. B. McConnell	Gabe B. Taylor
Herbert Cook	Elmer McGlothen	Erna E. Tyra
John C. Cornett	H. H. McGuire	S. J. Wagner
G. Cunningham	J. H. McKinney	Joe L. Wall
Norman A. Curtis	Alton Mitchell	Henry Ward
William J. Curtis	John B. Mollette	H. L. Waterfield
Willard Q. Daniel	William E. Mull	L. Roger Wells
F. E. Daugherty	Tyler F. Munford	R. E. West
L. M. Davisworth	Rodes K. Myers	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Forest C. Easley	Luster C. Oxley	W. G. Williams
Garland Embry	Henry Plum	Terrill A. Wilson
A. H. Eversole	H. O. Porter	James W. Young
Raymond Eyl	Grover C. Ransom	Z. Taylor Young
Ferd A. Gnau	Hobart Rayburn	
C. A. Hale	Hubert H. Read	—82

Those who voted the the negative were—

Ed F. Prichard	Cass R. Walden	—2

Resolved that the title thereof be as aforesaid.

Mr. McGlothen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate requesting the return of a bill which originated in this House, entitled:

H. B. 157. An Act providing for the amendment and reenacting of Sec. 1981 of Kentucky Statues, Baldwin's 1936 Revision, providing when and where a member of the General Assembly may be required to stand trial in a civil action during his term of office.

Which was reported to this House from the Senate on yesterday, with an amendment thereto as proposed by the Senate and which was concurred in and passed, as amended, by this House.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Hunnicutt moved that said bill be delivered to the Chief Clerk of the Senate.

Said motion was agreed to.

Said bill was then delivered to the Chief Clerk of the Senate.

Mr. Taylor Young of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills entitled:

S. B. 130. An Act to authorize owner or operator of

wells which produce oil or gas to allow such wells to remain open for the purpose of introducing air, gas, water or other liquid.

S. B. 2. An Act establishing as a part of the primary system a road in Pike county.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate, announcing that they had reconsidered and passed a bill which originated in this House, entitled:

H. B. 157. An Act providing for the amendment and reenactment of Sec. 1981 of Kentucky, Statutes, Baldwin's 1936 Revision, providing when and where a member of the General Assembly may be required to stand trial in a civil action during his term of office.

With an amendment thereto as proposed by the Senate.

Ordered that said bill be laid on the Clerk's desk with leave to take up at any time.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act relating to containers used in trade

and repealing Sections 1279, 1279a-2, 1279a-3, 1279a-4, 1279a-5, and 1279a-6 of Carroll's Kentucky Statutes, 1930.

With Committee amendments thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 1279, 1279a-2, 1279a-3, 1279a-4, 1279a-5, and 1279a-6 of Carroll's Kentucky Statutes, 1930, be and the same are hereby repealed.

§ 2. Any and all persons and corporations engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cidar, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice cream, small beer, lager beer, weiss beer, white beer or other beverages or medicines, medical preparations, perfumery, oils, compounds, or mixtures in bottles, jars, cans, cases, siphons, tins or kegs, with his, her, its or their name or names, or other marks or devices branded, stamped, engraved, or etched, blown, impressed, or otherwise produced on such bottles, jars, cans, cases, siphons, tins or kegs, or the boxes used by him, her it or them, may file in the office of the clerk of the county in which his, her, its or their principal place of business is situated, or if such person, or persons, corporation or corporations shall manufacture and bottle any of said products out of this state, then in any county in this state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

§ 3. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice

cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicines or medical preparations, perfumery, oils, compounds or mixtures, any bottle, jar, can, case, box, siphon, tin, or keg so marked or distinguished as aforesaid, with or by any name, mark, or device, of which a description shall have been filed and published, as provided above, or to deface, erase, obliterate, cover up or otherwise remove or conceal, any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent of, or unless the same shall have been purchased, by such person or corporation, exclusive of the contents thereof, from, the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, jar, can, case, box, siphon, tin or keg so filled, trafficked in, used or handled as aforesaid. Any person or persons, or corporation or corporations offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment, not less than ten days nor more than one year, or by a fine of fifty cents for each and every such bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment, and for each subsequent offense by imprisonment, not less than twenty days nor more than one year, or by fine of not less than one dollar, nor more than five dollars, for each and every bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given taken, bought or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

§ 4. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be, or shall have been, upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, jar, can, case, box, siphon, tin or keg, a description of the name, mark, or device, whereon

shall have been filed and published, as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk cottage cheese, ice cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages or any articles of merchandise, medicines, medical preparations, perfumery, oils, compounds, mixtures or preparations, or for the furnishing of such or similar beverages to customers, or the buying selling, using, for any purpose, disposing of or trafficking in any such bottle, jar, can, case, box, siphon, tin or keg, by any person other than said persons or corporations having a name, mark or device thereon, without such written consent of the owner, or the having by any junk dealer or dealers in second-hand articles, vendor of bottles, rags or collectors of or dealers in articles found in ashes, garbage, or other refuse, whether at the public dumps or elsewhere, possession of any such bottles, jars, cans, cases, boxes, siphons, tins or kegs whether whole or broken, a description of the names or devices, whereon shall have been so filed and published as aforesaid, without such written consent, shall, and is hereby declared to be, presumtive evidence of the said unlawful use, purchase and traffic in of such bottles, jars, cans, cases, boxes, siphons, tins or kegs.

§ 5. Whenever any person, persons or corporation, who shall have so filed and published as aforesaid, or his, her, its or their agent shall make oath before any magistrate that he, she or it has reason to believe and does believe, that any of his, her, its or their bottles, jars, cans, cases, boxes, siphons, tins or kegs, a description of the names, marks or devices whereon has been filed and published as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling soda, mineral or aerated waters, poter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice cream, small beer, lager beer, weiss beer, white beer, or other beverages or medicine, medical preparations, perfumery, oils, compounds, or mixtures, or

that any junk dealer or dealers in second-hand articles, vendors of bottles, rags, or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, or any other person or corporation has any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession the bottles, jars, cans, cases, boxes, siphons, tins or kegs may be found and shall then inquire into the circumstances of such possession, and if such magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and he shall also award possession of the property taken upon such warrant to the owner thereof.

§ 6. The requiring, taking or accepting of any deposit for any purpose upon any bottle, jar, can, case, box, siphon, tin or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

§ 7. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned, as aforesaid in this act, a description of the name or names, mark or devices upon his, her, their or its property therein mentioned, and has caused the same to be published according to law existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this act.

Said Amendments as proposed by the Committee are as follows, viz:

1. Amend H. B. 58 on page 1, Sec. 2. line 5 and 6 by striking therefrom in line 5 the words "medicinal preparations" and the word "oils" and also by striking therefrom in line 6 of said section 2 the word "compounds"

2. Amend H. B. 58 on page 2, sec. 3, line 5 and 6 by strik-

ing therefrom in line 5 the words "medicinal prepara" and also by striking therefrom in line 6 of said section 3 the words "tions", "oils, compounds" and "or mixtures"

3. Amend H. B. 58 on page 3, sec. 4, lines 10 and 11 by striking therefrom in line 10 the words "medicinal prepara" and also by striking therefrom in line 11 of said section 4 the words "tions," "oils, compounds, mixtures or preparations"

4. Amend H. B. 58 on page 4, Sec. 5 line 11 and 12 by striking therefrom in line 11 the words "medicinal preparations" "oils, compounds or mix" and also by striking therefrom in line 12 of said section 5 the word "tures"

Amend No. 1 was then agreed to.

Mr. Taylor Young moved that Amendment No. 2 be laid on the table.

Said motion was disagreed to.

Amendments Nos. 2, 3 and 4 were then each and severally agreed to.

Mr. Bradbury moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Ward moved that said bill be laid on the Clerk's desk.

Said motion was disagreed to.

Mr. Myers moved that the House do now adjourn to meet again on to-morrow at twelve o'clock Meridian.

Mr. Bach moved that the House do now adjourn to meet again on to-morrow at ten o'clock A. M.

The motion as made by Mr. Myers was then agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 18, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend John T. Galloway of the Northern Presbyterian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Garland Embry	T. B. McConnell
Geo. P. Anderson	A. Eversole, Jr.	Elmer McGlothen
J. Everett Bach	Raymond Eyl	H. H. McGuire
William T. Baker	Chas. P. Farnsley	J. H. McKinney
C. P. Bradbury	Ferd A. Gnau	G. Samuel Milam
C. C. Byrne	C. A. Hale	Alton Mitchell
J. F. Carr	Ralph Hamilton	Stanley C. Moebus
George S. Clay	S. T. Hamilton	John B. Mollette
H. S. Cleveland	C. L. Hammons	William E. Mull
Herbert Cook	Ira W. Hulette	Tyler F. Munford
John C. Cornett	John M. Hunnicutt	Rodes K. Myers
G. Cunningham	W. H. Hunt	Homer Neikirk
Norman A. Curtis	Ben W. Johnson	Luster C. Oxley
Willard Q. Daniel	Clyde D. Lester	Mel Petry
F. E. Daugherty	Carl Lyttle	Henry Plum
L. M. Davisworth	D. T. Matlack	H. O. Porter
Sam Dever	Peter P. Mattingly	Kleber F. Price
Forest C. Easley	C. C. May	E. F. Prichard

Grover C. Ransom	Leon J. Shaikun	Henry Ward
Hobart Rayburn	W. S. Shanklin	H. L. Waterfield
Thomas Rigdon	Parker Sims	L. Roger Wells
E. S. Robey	Wm. St. C. Stuart	R. E. West
Joe E. Robinson	A. Frank Tabb	J. D. White
John C. Robinson	Carl M. Taylor	W. G. Williams
William T. Rollo	Gabe B. Taylor	Lee Roy Wilson
E. A. Rose	Erna E. Tyra	Terrill A. Wilson
Clarence Rush	Cass R. Walden	Z. Taylor Young
Carl Scheben	Joe L. Wall	

Mr. Gnau moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Norman Curtis moved that the privilege of the floor be extended to Miss Ida B. Robards.

Said motion was agreed to.

Mr. McConnell moved that the privilege of the floor be extended to Mr. Rudy Cantrill.

Said motion was agreed to.

Mr. White moved that the privilege of the floor be extended to Messrs. Ralph Hall, Henry Gupton, W. E. Ahle, E. Gupton, J. J. Grace, J. D. Moore,

Said motion was agreed to.

Mr. Eversole moved that the privilege of the floor be extended to Messrs. W. L. Poynter and Wharton Noble.

Said motion was agreed to.

Mr. John Robinson moved that the privilege of the floor be extended to Mrs. Pearl Gravely, Mrs. Littleton Elliott, Mrs. William Fuller, Messrs. Richard Thompson and Samuel Morris.

Said motion was agreed to.

Mr. Gnau moved that the privilege of the floor be extended to Mrs. Emma Hunt Krazeise.

Said motion was agreed to.

At the instance of the Committee on Rules the following bills and resolutions were introduced.

By Mr. Joe Wall.

H. B. 416. An Act to amend Chapter Ten (10) of the Acts of the General Assembly of 1930 by inserting therein the following words: "one automobile not to exceed two hundred dollars in value."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 10 of the Acts of the General Assembly of 1930 be amended by adding the following words: "one automobile not to exceed two hundred dollars in value" so that said chapter, when said words are inserted, will read:

"Exemption of property of persons with a family. The

following property of persons with a family resident in this Commonwealth, shall be exempt from execution, attachment, distress or fee bill, namely; Two work beasts, or one work beast and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture sufficient for family use; one loom and spinning wheel and pair of cards; all of the spun yarn and manufactured cloth manufactured by the family necessary for family use; carpeting for all family rooms in use; one table; all books not to exceed seventy-five dollars in value; two saddles and their appendages; two bridles; six chairs, or so many as shall not exceed ten dollars in value; one cradle; poultry on hand not to exceed one hundred dollars in value; ten head of sheep, not to exceed twenty-five dollars in value; all wearing apparel; sufficient provisions, including breadstuff and animal food to sustain the family for one year; provender suitable for livestock, if there be any such stock, not to exceed seventy dollars in value; if such provender be not on hand, such other property as shall not exceed such sum in value; all washing apparatus, not to exceed seventy-five dollars in value; one sewing machine, and all family portraits and pictures; one cooking stove and appendages, and other portraits and pictures; one cooking stove and appendages, and other cooking utensils not to exceed in value twenty-five dollars; one automobile not to exceed two hundred dollars in value; ninety per centum of the salary, wage or income earned by labor, of every person earning a salary, wages or income of seventy-five dollars or less per month, provided that the lien created by service of garnishment, execution, or attachment, shall only affect ten per centum of such salary, wages or income, earned at the time of service of process; of the salary, wages or income earned by labor, of every person earning a salary, wages or income in excess of seventy-five dollars per month, sixty-seven and one-half dollars per month. Provided, that these amended exemptions shall only apply in

actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it retroactive in effect.

By Mr. Hunnicutt.

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act as amended, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortagage Associations as collateral or deposit security where required by any statute of this State; and repealing Chapter 11 of the Acts of the General Assembly of 1936; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, and trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, are authorized:

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of

credit as are eligible for credit insurance by the Federal Housing Administrator, and to obtain such insurance.

(b) To make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and to obtain such insurance.

§ 2. It shall be lawful for banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, the State of Kentucky and any of its political subdivisions, or any agency or instrumentality thereof, to invest their funds and the moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, and in debentures issued by the Federal Housing Administrator, and also in scurities issued by National Mortgage Associations.

§ 3. Wherever, by statute of this State, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, notes or bonds secured by mortgage or trust deed insured and debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations shall be considered eligible securities for such purpose.

§ 4. No law of this State requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of such security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall be deemed to apply to loan or investments made pursuant to the provisions of this Act.

§ 5. This Act shall be construed as powers additional to and not in derogation of existing laws.

§ 6. *Chapter 11 of the Acts of the regular session of the 1936 General Assembly of Kentucky, hereby is repealed.*

§ 7. Whereas the Congress of the United States has enacted a law entitled the "National Housing Act," and certain amendments to said Act, to relieve unemployment by providing a system of mutal mortgage insurance and encouraging the construction of new homes and the improving of housing standards and conditions, and to prevent a recurrence of a collapse of the mortgage market and the distressed selling of homes by providing for national mortgage associations to assist in refinancing mortgages and to furnish a liquid market therefor, and whereas many investing institutions organized under the laws of this State are not authorized to invest in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator or in securities of national mortgage associations, and the market for said notes, bonds and securities is limited by the absence of such authority, and whereas the said notes, bonds and other securties will provide a safe and readily marketable investment for all investors of this State by reason of the insurance fund and the supervision provided for by the National Housing Act, as amended, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Joe Robinson.

H. Res. 77. A Resolution providing for the purchase of five hundred (500) copies of a "Legislative Manual" for the use of members and employees of the General Assembly, providing for the distribution thereof and for payment therefor.

Said Resolution is as follows, viz:

Whereas, it is a matter of importance and convenience

that each Representative and each Senator have in his possession the information provided by a Legislative Manual.

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, and the Senate of the Commonwealth of Kentucky, concurring, that:

One. The State Journal Company hereby is authorized, requested and directed to furnish five hundred (500) copies of "The Legislative Manual" for delivery and distribution as hereinafter provided. The State Journal Company will be paid the sum of five Hundred Sixty ($560.00) Dollars for furnishing five hundred (500) copies of the "Legislative Manual" as provided in this Resolution, which amount hereby is fixed, determined, approved and allowed as a contingent expense of the 1938 Regular Session of the General Assembly of Kentucky. Said amount will be paid on or before April 15th, 1938, out of the appropriation heretofore made for the cost, salaries and expenses of the General Assembly. The State Journal Company will present to the Speaker of the House and to the President of the Senate its bill for Five Hundred Sixty ($560.00) Dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved, it shall be approved for payment by the Department of Finance; and, the Auditor of Public Accounts shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

Two. The State Journal Company hereby is directed to furnish and deliver to the Clerk of the House three hundred fifty (350) copies of "The Legislative Manual" for distribution to the members of the House to such officers of the House as the Speaker may direct; to furnish and deliver to the Clerk of the Senate one hundred fifty (150) copies of "The Legislative Manual" for distribution to the members of the Senate

and to such officers of the Senate as the President of the Senate may direct.

Three. The Clerk of the House of Representatives, on the passage of this resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance and to the Auditor of Public Accounts an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance and the books of the Auditor of Public Accounts as a charge against the appropriation hereinabove referred to.

By Mr. Rush.

H. Res. 78. A Joint Resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the County, a witness to testify in behalf of the Commonwealth at the regular April Term of Court 1930, the sum of Forty-Eight Dollars and Sixty Cents ($48.60) with interest.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Whereas, A. H. Boles, Special Bailiff, Monroe Circuit Court delivered from outside the County, a witness to testify in said court in behalf of the Commonwealth; and,

WHEREAS, the said Court allowed him an expense account of $48.60 for his services, which account is shown in the State Auditor's Book; and,

WHEREAS, though he has not collected it, it is a just and honest debt owed to the said A. H. Boles by the State of Kentucky

NOW BE IT RESOLVED that there be, and is hereby appropriated out of the General Fund of the State of Kentucky,

the sum of $48.60, with interest for the purpose of paying said A. H. Boles for said services, and the Auditor is authorized and directed to draw a warrant on the General Fund for the above named purpose.

By Mr. Wagner.

H. Res. 79. Resolution providing Bonus for employees of General Assembly.

Said resolution is as follows, viz:

WHEREAS, The present employees and offcers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

WHEREAS, The General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, Now Therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation, for the employees and officers of the Senate and the House of Representatives, to that compensation provided in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Seven thousand one hundred thirty-three ($7,133.00) dollars.

§ 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of Two Thousand six hunded and twenty-two dollars ($2,622.00) on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute to the employees and officers of the Senate such funds on the basis of the number of days that such employees and officers served during the regular

session of the General Assembly in the year 1938, the rate per day to be computed by said Chief Clerk and the presiding officer of the Senate on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of four thousand five hundred eleven ($4,511.00) dollars on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938. The rate per day to be computed by said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 4. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

§ 5. Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart to various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

By Mr. Wagner.

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, state employees engaged to keep the State Capitol clean.

Said resolution is as follows, viz:

WHEREAS, the above named employees have had their work materially increased during the session of the present Assembly of the Commonwealth of Kentucky and have worked overtime to keep the State Capitol clean for said session, and declaring an emergency to exist,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk and John Tackett be each allowed the sum of one dollar per day for each day of the present session of this General Assembly, which allowance shall be in addition to what they now receive for their services as above set out.

The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant on the State Treasurer for the above set out compensation of one dollar per day for each day of the present session of this General Assembly, in favor of the above named state employees.

Whereas, the General Assembly will within a short time adjourn and said employees are in need of the money provided for in this act and it is the desire of the General Assembly that they be paid immediately upon the passage of this act and its approval by the Governor, an emergency is hereby declared to exist.

By Mr. Cornette.

H. B. 418. An Act to amend and re-enact Sections 4281h-2, 4281h-3, and 4281h-6 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 4281h-2. LEVY OF TAX AND EXEMPTIONS.—An excise tax of six cents (6c) per gallon is hereby imposed on the use of such fuel by any person within this State only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways of Kentucky to be computed in the manner hereinafter in this Act set forth and paid by the users. Provided, however, that no tax is hereby imposed on the use of any fuel if the Constitution of the United States or of this State precludes such tax.

Sec. 4281h-3. ALLOCATION OF TAX.—All taxes collected under the provisions of Section 2 of this Act shall be covered into the State treasury and shall be used only to defray the expenses of the administration of this Act and for the purpose of construction, reconstruction, maintenance and repair of roads, highways and bridges. Provided, that one-sixth of this tax shall be appropriated to and used solely by the Division of Rural Highways.

Sec. 4281h-6. TAX REPORTS: COMPUTATION AND PAYMENT OF TAX.—A. For the purpose of determining the amount of tax herein imposed, each user shall, not later than the fifteenth (15th) day of each calendar month, file with the Department on forms prescribed by said Department, monthly reports sworn to by the user which shall include the total number of gallons of fuels used within the State during the next preceding calendar month.

B. The tax at the rate of six cents (6c) per gallon of fuel shall be computed on the number of gallons reported used within the State and shall constitute the amount of fuel tax payable for the next preceding calendar month. Reports required in subsection A of this section shall be accompanied by certified or cashier's check, payable to the State Treasurer of

Kentucky for the amount of tax due for such preceding calendar month.

By Mr. McCarthy.

H. B. 419. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city or town, through its legislative body or department to separately or jointly purchase, rent or lease seal presses to be used in any or all elections or primary elections, to authenticate and mark election ballots; defining and establishing the requirement of said seal presses; providing for emergency if press is out of order; providing for the adoption and use of the "Streamer" form of ballot, the method of conducting the elections; making the possession of a seal press, keys to a seal press, or any die, part or impression of a seal press by any unauthorized person a crime and providing a penalty therefor; fixing and prescribing duties of the Secretary of State, State Board of Election Commissioners, County Clerks, Precinct Election Officers, and Electors, fixing penalties for violations thereof, and repealing all laws and parts of laws in conflict with the provisions of this act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after passing of this act it shall be and is hereby declared to be legal to conduct and hold elections in the Commonwealth of Kentucky, or any part thereof, either as is now provided for by law or in the manner hereinafter provided for in this act.

§ 2. The Fiscal Court of any county, or the legislative branch or division of any municipality, city, town or other voting district within the Commonwealth of the State of Kentucky, are hereby empowered and authorized to, either separately or jointly, purchase, lease, rent or otherwise pro-

cure for use at any election or primary election, any kind of seal press or seal presses meeting the requirements of this act, and thereupon and thereafter such seal presses may be used in such county, municipality, city or town either at any or at all elections and/or primary elections held in such county, municipality, city or town for authenticating and marking ballots cast in such elections. After the municipality, city, or town shall have determined and decided to procure seal presses and adopt, the method of voting and conducting elections as herein probvided for, notice thereof shall be published in some newspaper printed in the English language and of general circulation in said county, municipality, city, or town. The purchase price or rental price of such presses, expenses, storage, equipment, maintenance and repair and costs of advertising, as above provided for shall be at the expense of and paid for by such county, municipality, city, or town, to be allowed, approved and paid in the same manner as other claims for election purposes.

§ 3. All ballots cast by any voter in any election of the people in such county, municipality, city or town where such seal presses are legally in use and in working order shall be authenticated by a special embossed impression which shall identify all ballots so impressed as official ballots to be cast in that particular voting precinct, and each voter shall cast such ballot by placing a special embosed impression and perforation in the space or spaces provided upon the ballot for the marking of the voter's choice, and such official impressions shall indentify all ballots so impressed and perforated as officially cast, and no ballot shall be regarded as a legal ballot or be counted unless so marked, except as provided herein.

§ 4. Seal presses may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements:

They shall be provided for embossing impressions upon

the ballots and said seal presses shall be equipped with a die circular in shape and lettered to emboss the name of the state, city, ward number and precinct number, in cities having wards, and the name of the state, the name of the county and the number or name of the county precinct, where there are no wards, or the generally recognized abbreviations thereof. There shall be a counting device connected with said seal presses and adapted to register one count for each ballot sealed, and such counting device shall have a dial showing the number of ballots sealed in plain view of the voter who is to receive the ballot for voting. The said counting device shall be enclosed inside the seal press housing, and there shall be a sure acting, positive, connecting means between the counting device and the sealing die, and said sealing die shall be arranged in connection with other mechanism whereby but a single ballot may be embossed at any one operation of the sealing die, and the said sealing die shall be provided with mechanism whereby the die cannot be operated at any time unless and until a ballot is inserted in a position to receive the embossed impression. The seal press shall also be provided with means in connection therewith, whereby each operation of the sealing die must be completed before it can return for another operation or shall have effected registration upon the counting device. Seal presses shall also be provided for each voting booth with which the voters shall place the special impression in the voting spaces, and such presses shall be adapted to operate upon the ballots of the required dimensions, and shall punch a small hole through the ballot and around such perforation shall emboss the same indicia, or the abbreviation thereof, that is embossed upon the head of the ballot in the same voting precinct.

§ 5. A time measuring device may be used to control the use of seal presses provided for in this act, and, if so, they shall be incased within the seal press housing, and in connection with other mechanism shall be adapted to control the use of the seal presses so that they will be operable during

the time the polls are open for casting of votes on election day, and so that they will be inoperable for a period of eight days or more after the closing of the polls on election day, and so that the time locking period will follow inevitable after each operable period of the presses; also, so that after the time locking period is past the casing of the seal press must be unlocked by the master key before it will again be possible to adjust the press for another operable period or to alter or set the counting devise to zero. The time measuring device shall be incased in the casing of the press adapted to seal the authorizing seal upon the head of the ballot, which press shall be known as the "Master Press", and the time control conveyed to the presses adapted to place the seal and perforation upon the ballot by the voters, which presses shall be known as "Booth Presses", by means of a cable or tube, and such cable or tube shall be so arranged that it will extend to the ballot box and be adapted to fasten the ballot box while the presses are in operation in such a manner as to prevent the opening or removal of the ballot box until the seal presses are locked against operation for the eight or more day period at the closing of the polls on election day. Any seal press provided for under the provisions of this act, and not having the time measuring device as aforesaid, shall be adapted to be sealed, and shall be sealed with a numbered metal seal, in a manner that will prevent the opening of the casing of the "Master Press" until such seal is broken. In this event the arrangement and construction of the seal presses shall be such that there can be only one operable period of the seal presses after each breaking of a seal and unlocking of the casing until another breaking of the seal and unlocking of the casing, and the said numbered, metal seal shall not be broken after the holding of an election until the final results of the election held are officially announced, unless it becomes necessary to break such seal in order to prepare the seal presses for another election, and then only by the county clerk. All

seal presses adopted and used under the provisions of this act shall be adapted to be operated by hand.

§ 6. Any person, firm, company or corporation owning or controlling the right to manufacture or the right to sell any seal press, may apply to the State Board of Election Commissioners for an examination of such press or presses. Such application must be accompanied by a remittance of Fifty ($50.00) Dollars, payable to the Secretary of State, together with written evidence of applicant's right to manufacture or sell, or manufacture and sell such presses. Upon receipt of such application it shall become the duty of the State Board of Election Commissioners to make an examination of such seal press or presses to determine if the same will meet the requirements of this act, and said board shall make a report thereon, a copy of which shall be kept in their office, and a copy of which shall be furnished to the Secretary of State, and if the report be in the affirmative, the said seal press or presses shall be deemed approved and seal presses of its kind may be adopted for use in elections as herein provided. The State Board of Election Commissioners shall appoint a mechanical expert to assist them in said examinations, to whom the Secretary of State shall pay the Fifty (50.00) Dollars above mentioned. When a seal press has been so approved, any improvements or changes that does not impair its accuracy of efficiency shall not render necessary a re-examination or reapproval thereof. Any seal press not so approved cannot be used in any election.

§ 7. Each county, municipality, city or town shall procure sufficient extra presses to take care of reasonable emergency, such as presses becoming missing, out of order, or the forming of a new precinct too late to secure the necessary regular presses before an election, etc. Such extra presses shall have dies lettered to emboss in lieu of the ward and precinct, "Special No. 1", "Special No. 2", "Special No. 3", etc., and shall be assigned by the county clerk to any precinct in his county where for any reason the regular precinct

press is not available for an election, and when such an assignment is made, such county clerks shall make a record of such assignment in his office, and such presses so assigned by the County Clerk shall thereby become the official presses in such precinct for such election. The County Clerks shall be the custodians of all seal presses used under this act and shall keep all presses in a place of safety under lock and key when not required for an election, and shall keep the master key to the presses in their personal possession, or under their personal jurisdiction at all times; and whenever an election is to be held it shall be the duty of the county clerk to prepare the presses for the election by unlocking the presses with the master key, setting the counting device to zero, re-locking the case with the master key, and if that type of press is used to place the numbered metal seal upon the casing and keep a record of said seal number, and to deliver each press to the proper election official in proper working order. It shall be the duty of the precinct election officials to seal each ballot with the authenticating seal in plain view of the voter who is to receive such ballot for voting, to see to it that such voter deposits such ballot before leaving the voting place, to properly set up said seal presses in the voting booths, and to safely keep and return in the proper manner each seal press entrusted in their care and every ballot embossed with the official authenticating impression.

§ 8. All ballots cast in any county which has wholly or partly adopted seal presses under this act shall be printed in the "Streamer", or single column form. The words "OFFICIAL BALLOT" shall be printed across the head of the ballot at the top in upper case letters of bold face type, and under these words shall be printed the kind of election to be held, the date of such election and a facsimile of the name of the county clerk who has caused the ballots to be printed. The names of the various political parties shall be printed in upper case letters, of bold face type, and at the immediate right of the party name shall be printed the party device, and to

the immediate right of the party device shall be printed a square not less than five-eights of an inch in diameter, and to the left of the group of party names shall be printed the word "SEAL" in upper case letters of bold face type, and directly over the word seal shall be left a blank space not less than one and one-half inches square. The names of the various candidates of the various political parties for the same office or offices shall be printed in one group between parallel, horizontal lines of bold face type across the ballot under the party names and devices, and a hair line shall be printed between the name of each candidate of the group, and to the left of the candidates names shall be printed the office title for which he is a candidate, and to the right of the candidates name shall be printed the name of the political party which nominated him, and if not nominated by a political party, then, the proper designation of his candidacy, and to the right end of such lines shall be a square not less than three-eights of an inch in diameter in line with each candidate's name, to contain the mark by which the voter is required to designate his vote, and immediately below such group of candidate's names shall be hair lines forming as many additional spaces as there are candidates to be elected in the office group, and at the left end of such blank spaces shall be printed the office title only, and to the right of the small squares and between the same bold faced lines shall be printed words denoting how many candidates the elector is entitled to vote for in that group; such as "Vote for two", etc., and such ballots shall be bound in books with a single stub, containing only the blank spaces for the voter's name and residence, and, where a registration law is in force, the voter's registration number, and the general arrangement shall conform as nearly as possible to the following:

OFFICIAL BALLOT

General Election November 7, 1933.

.....

Clerk Franklin County Court

DEMOCRATIC EMBLEM
REPUBLICAN EMBLEM
SOCIALIST EMBLEM
SEAL

Governor—C. E. MILLER—Democrat.....(vote for One)
Governor—CHAS. HAMILTON—Republican..(vote for One)
Governor—HENRY GALLICK—Socialist.....(vote for One)
Governor— .....(vote for One)
Secretary State —F. C. NELSON—Democrat..(vote for One)
Secretary State—A. B. PETERS—Republican (vote for One)
Secretary State— .....(vote for One)

Primary election ballots shall be printed substantially in the same manner as in case of regular elections, except that on the head of such ballots shall be printed the words "Official Primary Ballot", together with the party emblem and name.

§ 9. Any person desiring to vote and legally entitled to vote at such election, shall give his full name and residence to the clerk holding the ballots, who shall write the same upon the stub of the ticket in the blank space provided therefor, and such officer shall mark upon the stub the elector's registered number in all precincts in which a registration law is in force, and the stub book for this purpose shall take the place of a poll book. The clerk shall then detach the ballot from the stub book and place the authenticating sealed impression in the blank space above the word "Seal" upon the ballot and hand it thus authenticated to the elector. The clerk shall seal one, and only one, ballot for each qualified elector, and shall give one, and only one, ballot to an elector, and such election clerk or other person shall not place such authenticating impression upon a ballot unless a qualified elector is present and ready to receive such ballot for voting, and then only in plain view of such qualified elector and shall not place such impression upon any other paper or substance whatever, or upon any ballot which does not bear the facsimile of the county clerk

authorized to cause such ballots to be printed. Upon request of voter the clerk shall give explanation of the manner of voting, and upon receipt of his ballot the elector shall forthwith and without leaving the room, retire to one of the voting booths, as provided, and shall prepare his ballot by placing in the appropriate square the embossed impression with the official seal press immediately following the name of the candidate of his choice for such office to be filled, and in case of a question submitted to a vote of the people, by marking in the appropriate square the embossed impression against the answer which he desires to give. Should any elector desire to vote for each and every candidate of one party, he shall make the embossed impression in the large square to the right of the said party name and device, and the vote shall be counted for all the candidates under that party title; provided, however, that if an embossed impression be made in the large square opposite the name and device of such party, and an embossed impression be also made in the square after the name of one or more candidates of a different party or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked; but the vote shall be counted for the other candidates under such party name and designation. No ballot shall be ruled void because of the unofficial character of an embossed impression, unless it is proven by comparison that such impression in question was made with an unofficial seal press, or a seal press not in use in the particular voting precinct at the particular election, and for the purpose of comparisons there shall be kept in the office of the county clerk of each county three copies of impressions of each seal press in official use in that particular county, and there shall be kept in the office of the Secretary of State three copies of impressions of each seal press in official use in the Commonwealth, and, upon the written order of any judge hearing a contested election, the county clerk of the county, or the Secretary of State shall furnish one of such copies of each die

requested by such judge in writing, and such copy shall be returned to the official furnishing same when it has served the purpose of the court. In the event a voter spoils his ballot, he shall be required to sign his name upon such ballot together with the word "Spoiled" and return same to the clerk before he shall be entitled to another ballot bearing the sealed impression, and, he may, if he so desires, sever the head of such spoiled ballot bearing the sealed impression and turne in that part only. Any voter who is unable to sign his name may call for assistance and an election judge or clerk may sign for him and affix his own name together with one other judge or clerk.

§ 10. Anyone who shall tamper or attempt to tamper with any seal press provided for in this act with intent to cause it to fail to work or to work improperly or to damage the same or anyone who shall unofficially possess or use a seal press key to a seal press or impression of a seal press adopted under this act, or anyone making, having in their possession or using any false seal press, false die, false impression, part of a false die or impression, or any image, die or impression which nearly or exactly duplicates any die or impression adopted under this act, or anyone who assists or abets another to do any of the foregoing, or any one who does any other act intended to deceive a voter or official regarding the use of these presses, shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the state prison for not less than five years nor more than ten years or be fined not less than five hundred dollars, nor more than two thousand dollars, or may be punished by both such fine and imprisonment, for each separate offense, and shall be deprived from holding public office in this Commonwealth.

§ 11. Any public officer, or any election judge or clerk, or any election officer, upon whom any duty is imposed by this act and who shall willfully omit or neglect to perform such duty, or who shall do any other act prohibited herein for which punisment is not otherwise provided for herein, shall

upon conviction thereof, be imprisoned in the state prison for not less than one year nor more than five years or be fined not less than two hundred dollars nor more than one thousand dollars, or may be punished by both such fine and imprisonment.

§ 12. If any section or part of this act shall be judicially held to be unconstitutional, the remainder of this act shall not be affected thereby.

§ 13. All laws and parts of laws in conflict with this act are hereby repealed.

By Mr. Mollette.

H. B. 420. An Act repealing, amending and re-enacting Section 3766bb-6 relating to the granting and payment of Old Age Assistance and requiring the payment of old age assistance to be retroactive from date of discontinuance on account of no funds being available.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3766bb-6 be repealed, amended and re-enacted so that when re-enacted it shall read as follows:

Section 3766bb-6. *Granting of assistance.* Upon the completion of such investigation the Department of Public Welfare shall decide whether the applicant is eligible for old age assistance under this Act, the amount of such assistance, and the date on which payment shall begin. It shall notify the applicant in writing of the decision regarding his application; and, if any applicant is denied assistance or is awarded an amount, deemed by him inadequate, or if his assistance be revoked or modified he may appeal to and have a fair hearing before the division of public assistance. All awards of assistance made by the division of public assistance shall at all

times be subject to review by the Department of Public Welfare.

But in the event the payment of such awards of assistance are discontinued on account of funds not being available, then, when such funds become available, the Department of Welfare shall pay to such recipient or applicant all amounts due from the date of such discontinuance of said payments.

Order that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz:

H. Res. 74. Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty ($1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives, and the sum of eight hundred and eighty dollars ($880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives, representing the amounts due them for services rendered in 1937 proof reading copies for journals.

H. B. 398. An Act to repeal, amend and re-enact Sections 2005-1, 2005-2, 2005-3 of Carroll's Kentucky Statutes, 1936 Edition, providing for increase of compensation of the members of the General Assembly.

H. B. 399. An Act relating to revenue and taxation and declaring an emergency.

S. B. 35. An Act to require health certificates before marriage license be issued.

S. B. 87. An Act authorizing the Department of Highways of the Commonwealth of Kentucky to acquire from any

city of the first class any toll bridge theretofore constructed or acquired by such city from the proceeds of Revenue Bonds of such city, etc.

H. Res. 79. Resolution providing for additional compensation to the employees of the Senate and House.

H. Res. 80. Resolution for the benefit of State employees.

S. B. 194. An Act to authorize railroad companies to transport persons and property as common carriers by motor vehicles on highways and by aeroplanes in the air.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, to which the same had been recommitted, the following bill was reported:

H. B. 355. An Act to amend and re-enact Subsec. 5 and 9 of Sec. 1083, Carroll's Kentucky Statutes.

With an amendment thereto by way of Substitute therefor.

With the expression of opinion that said bill ought to pass.

Ordered that said bill be placed in the Orders of the Day.

Mr. Hunnicutt moved that the House do now recess until two o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of two o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Lee Roy Wilson moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Gnau moved that when the House adjourn to-day, it adjourn to meet again on Monday, February 21, at two o'clock P. M.

Said motion was agreed to.

Mr. Hunnicutt moved that the House do now take up for consideration from the Clerk's desk, a bill entitled:

H. B. 157. An Act providing for the amendment and reenactment of Sec. 1981, Kentucky Statutes, Baldwin's 1936 Revision, providing when and where a member of the General Assembly may be required to stand trial in a civil action during his term of office.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 9)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend printed copy of H. B. 157 on page 2, immediately at the end of the bill, by adding at the end thereof the following words:

"Whereas members of the General Assembly have been in the past and are now being harassed by the service of civil process while the General Assembly is in session and are being hindered in the performance of their legislative duties by

being forced to answer to civil actions during the session of the General Assembly, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor."

2. Amend printed copy of H. B. 157 by inserting the following words after the word "by" and before the word "the" in the enacting clause:

"The General Assembly of"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being tkaen thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	Luster C. Oxley
Geo. P. Anderson	C. L. Hammons	Henry Plum
J. Everett Bach	Ira W. Hulette	H. O. Porter
William T. Baker	John M. Hunnicutt	Kleber F. Price
C. P. Bradbury	Ben W. Johnson	Grover C. Ransom
C. C. Byrne	William K. King	Hobart Rayburn
J. F. Carr	Clyde D. Lester	Thomas Rigdon
H. S. Cleveland	Carl Lyttle	Joe E. Robinson
John C. Cornett	D. T. Matlack	John C. Robinson
G. Cunningham	C. C. May	William T. Rollo
Norman A. Curtis	M. T. McCarthy	E. A. Rose
Willard Q. Daniel	T. B. McConnell	Clarence Rush
F. E. Daugherty	H. H. McGuire	Carl Scheben
L. M. Davisworth	Jas. H. McKinney	Leon J. Shaikun
Sam Dever	Alton Mitchell	Parker Sims
Forest C. Easley	Stanley C. Moebus	Wm. St. C. Stuart
A. Eversole, Jr.	John B. Mollette	A. Frank Tabb
Raymond Eyl	William E. Mull	Gabe B. Taylor
Chas. P. Farnsley	Alfred A. Naff	Erna E. Tyra
Ferd A. Gnau	Homer Neikirk	S. J. Wagner

Joe L. Wall	R. E. West	Terrill A. Wilson
Henry Ward	J. D. White	Z. Taylor Young
H. L. Waterfield	W. G. Williams	
L. Roger Wells	Lee Roy Wilson	—70

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration, a resolution entitled:

H. Res. 77. A Resolution providing for the purchase of five hundred (500) copies of a "Legislative Manual" for the use of members and employees of the General Assembly, providing for the distribution thereof and for payment therefor.

Said Resolution is as follows,

Whereas, it is a matter of importance and convenience that each Representative and each Senator have in his possession the information provided by a Legislative Manual.

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, and the Senate of the Commonwealth of Kentucky, concurring, that:

One. The State Journal Company hereby is authorized, requested and directed to furnish five hundred (500) copies of "The Legislative Manual" for delivery and distribution as hereinafter provided. The State Journal Company will be paid the sum of Five Hundred Sixty ($560.00) Dollars for furnishing five hundred (500) copies of the "Legislative Manual" as provided in this Resolution, which amount hereby is fixed,

determined, approved and allowed as a contingent expense of the 1938 Regular Session of the General Assembly of Kentucky. Said amount will be paid on or before April 15th, 1938, out of the appropriation heretofore made for the cost, salaries and expenses of the General Assembly. The State Journal Company will present to the Speaker of the House and to the President of the Senate its bill for Five Hundred Sixty ($560.00) Dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved, it shall be approved for payment by the Department of Finance; and, the Auditor of Public Accounts shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

Two. The State Journal Company hereby is directed to furnish and deliver to the Clerk of the House three hundred fifty (350) copies of "The Legislative Manual" for distribution to the members of the House to such officers of the House as the Speaker may direct; to furnish and deliver to the Clerk of the Senate one hundred fifty (150) copies of "The Legislative Manual" for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

Three. The Clerk of the House of Representatives, on the passage of this resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance and to the Auditor of Public Accounts an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance and the books of the Auditor of Public Accounts as a charge against the appropriation hereinabove referred to.

Said resolution was then adopted.

The House took up for consideration from the Orders of the Day, the unfinished business of yesterday, to-wit, a bill entitled:

H. B. 58. An Act relating to containers used in trade and repealing sections 1279, 1279a-3, 1279a-4, 1279a-5 and 1279a-6 of Carroll's Kentucky Statutes, 1930.

With Committee amendments thereto, as agreed to on yesterday.

(For bill and Committee amendments, see House Journal of yesterday)

Mr. Bradbury moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Prichard offered the following amendment to said bill, viz:

Amend H. B. 58 by striking the following words "soda waters, mineral or aerated waters, porter ale, beer, cider, ginger ale, ice cream, small beer, lager beer, Weiss beer, white beer or other mediums, medical preparations, perfumery, oils, compounds or mixtures"

Mr. Taylor Young moved that said amendment be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Daugherty and Bradbury, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	A. H. Eversole	Stanley C. Moebus
J. Everett Bach	Ira W. Hulette	Parker Sims
J. F. Carr	Ben W. Johnson	Erna E. Tyra
Herbert Cook	C. C. May	R. E. West
John C. Cornett	T. B. McConnell	Lee Roy Wilson
Willard Q. Daniel	Elmer McGlothen	Terrill A. Wilson
L. M. Davisworth	J. H. McKinney	Z. Taylor Young

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Those who voted in the negative were—

C. W. Anderson, Jr.	John M. Hunnicutt	William T. Rollo
William T. Baker	Clyde D. Lester	E. A. Rose
C. P. Bradbury	Carl Lyttle	Clarence Rush
C. C. Byrne	William E. Mull	Carl Scheben
H. S. Cleveland	Tyler F. Munford	Leon J. Shaikun
G. Cunningham	Alfred A. Naff	Wm. St. C. Stuart
Norman A. Curtis	Homer Neikirk	W. R. Tapp
F. E. Daugherty	Luster C. Oxley	Gabe B. Taylor
Sam Dever	H. O. Porter	Cass R. Walden
Forest C. Easley	Kleber F. Price	Joe L. Wall
Raymond Eyl	Ed F. Prichard	Henry Ward
Chas. P. Farnsley	Grover C. Ransom	H. L. Waterfield
Ferd A. Gnau	Joe E. Robinson	L. Roger Wells
S. T. Hamilton	John C. Robinson	J. D. White

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Mr. Prichard offered the following amendment to said bill, viz:

Amend H. B. 58 on page 2, section 3 lines 2, 3, 4, 5 and 6 by striking the following words "soda waters, mineral or aerated waters, porter ale, beer, cider, ginger ale, ice cream, small beer lager beer, Weiss beer, white beer or other medicines, medical preparations, perfumery, oils, compounds or mixtures."

Said amendment was agreed to.

Mr. Lee Roy Wilson moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Prichard offered the following amendment to said bill, viz:

Amend H. B. 58 on page 3, section 4, lines 7, 8, 9, 10, 11 and 12 by striking the following words: "soda waters, mineral or aerated waters, porter ale, beer, cider, ginger ale, ice cream, small beer, lager beer, Weiss beer, white beer or other medicines, medical preparations, perfumery, oils, compounds or mixtures."

Mr. Lee Roy Wilson moved that said amendment be laid on the table.

Said motion was disagreed to.

Said amendment was then agreed to.

Mr. Prichard offered the following amendment to said bill, viz:

Amend H. B. 58 on page 4, section 5, lines 8, 9, 10, 11 and 12 by striking the following words "soda waters, mineral or aerated waters, porter ale, beer, cider ginger ale, ice cream, small beer, lager beer, Weiss beer, white beer or other medicines, medical preparations, perfumery, oils, compounds or mixtures."

Said amendment was agreed to.

Mr. Joe Robinson moved that said bill with the amendments thereto, be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 371. An Act pertaining to the Motor Vehicle Law and amending and re-enacting the following sections of Carroll's Kentucky Statutes, 1936 edition: 2739g-24, 2739g-26, 2739g-28, 2739g-29, 2739g-30, 2739g-34, 2739g-34a, 2739g-37, 2739g-40a, 2739g-48, 2739g-51, 2739g-57; enacting additional Motor Vehicle provisions directed to increase safety on the highways, concerning equipment of motor vehicles, driving of motor vehicles, stopping behind school busses, pedestrians, reporting of accidents to the State Highway Patrol.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Highway Patrol be defined as follows: any agency for the enforcement of the highway laws of the Commonwealth, established pursuant to sections 2739g-97, 4618-99 and 4618-154 of Carroll's Kentucky Statutes, 1936 edition. All discretionary powers hereinafter vested in the State Highway Patrol shall be exercised in the discretion of the chief officer of said Patrol.

§ 1½. That Section 2739g-24 of Carroll's Kentucky Statutes, 1936 edition, be, and the same is, hereby amended to read as follows:

Lights; when parking permissible without.—That all automobiles, motor trucks, bicycles, wagons, buggies, motorcycles, and each and every kind of vehicle used and operated upon any public highway, road or street, in the Commonwealth of Kentucky are required to display lights as follows:

(1) At the rear one lighted lamp showing red visible from the rear at least five hundred feet away, except that a red reflector meeting the requirements may be used in lieu of a rear light, whether said vehicle be in operation or stationary.

(2) When in operation bicycles and two-wheeled motor-

cycles shall have at least one, and all other automobiles, and trucks, including three-wheeled motorcycles, shall have at least two lighted lamps in front, showing white, or tinted other than red light, and of sufficient power to reveal clearly substantial objects at least three hundred and fifty feet ahead except for bicycles, fifty feet ahead. There shall also be a selective lowermost distribution of light, or composite beam, so aimed that:

(a) When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of ten inches below the level of the center of the lamp from which it comes.

(b) When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the center of the lamp from which it comes. It shall reveal objects one hundred feet ahead. Provided, any light projected ahead or sidewise shall be so arranged or deflected that no glaring rays from it or from any reflector shall be at any time more than three and one-half feet above a level surface at a distance of seventy-five feet or more ahead of such vehicle, and provided, further, that in case of accident or emergency, automobiles or trucks may display lantern or other lights of smaller power, but if insufficient to to clearly reveal substantial objects at least seventy-five feet ahead, shall not proceed at a rate of speed in excess of twenty miles per hour: Provided that no automobile or truck shall be sold in this Commonwealth unless the light projected by the head-lights meets the foregoing requirements at the time of the sale.

(2a) Single-beam road lighting equipment.—Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor

vehicles manufactured and sold prior to one year after the effective date of this act in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(a) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(c) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet, ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(3) (a) When in operation wagons, buggies or any other slow-moving vehicles or motorless vehicles while traveling on any State or Federal or State and Federal road or highway, shall have at least one lighted lamp on the left side of said vehicle whether from the front or rear, showing white and of sufficient power to clearly reveal the outline of the left side of said vehicle and so that said outline may be observed clearly by approaching vehicles from a distance of at least one hundred feet.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon dis-

playing a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn.

(4) Cities and towns may by ordinance designate certain well-lighted streets or parts thereof during certain periods as being sufficiently illuminated to make lights unnecessary, in which case Paragraphs 1, 2 and 3 shall not apply to such vehicles parked in such streets during such period and may also provide that when in operation in such designated steets or parts thereof during such a period light or lights in front may be of lesser power as is provided in Paragraphs 2 and 3 in which case the provisions of Paragraphs 2 and 3 shall not apply.

§ 2. That Section 2739g-26 of Carroll's Kentucky Statutes, 1936 edition, be, and the same hereby is, amended to read as follows:

Brakes.—(1) No owner shall knowingly operate or permit to be operated on a public highway an automobile upon which the brakes are defective or out of order.

(2) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(3) (a) The service brakes upon any motor vehicle or combination or vehicles shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed 1 percent.

(b) Under the above conditions the hand brake shall be

adequate to stop such vehicle or vehicles within a distance of 55 feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

(c) Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

(d) All braking distance specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

§ 3. That Section 2739g-28 of Carroll's Kentucky Statutes, 1936 edition, be, and is hereby, amended so as to read as follows:

Horns.—(1) Every automobile and bicycle, when in use on a public highway, shall be equipped with a horn, bell or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions and every person operating an automobile or bicycle shall sound such horn or sound device whenever necessary as a warning of the approach of such vehicles to pedestrians, or other vehicles, but shall not sound said horn or sound device unnecessarily.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a

siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

(3) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

§ 4. That Section 2739g-29 of Carroll's Kentucky Statutes be, and hereby is, amended to read as follows:

Towed Vehicles.—No vehicle shall tow (and by "tow" is meant the hauling with a tow line) more than one other vehicle, and the tow line shall not be over fifteen feet in length, and a white cloth or flag shall be fastened to the tow line at or near the center thereof day and night so as to make it plainly discernible, and each vehicle shall separately display the lights required on vehicles of the class to which they belong.

§ 5. That Section 2729g-30 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended to read as follows:

Trailers.—No vehicle shall at one time haul more than two trailers (and by "trailer" is meant another vehicle connected in such a manner as to keep them uniformly spaced), and each trailer must carry at least one lighted lamp upon its left side in such a manner as to show a green light to the front and a red light to the rear, visible at least five hundred feet away.

§ 6. That Section 2739g-34 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Intoxicated.—No person under the influence of intoxicating liquors shall operate any vehicle upon a public highway.

§ 7. That Section 2739g-34a of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Operating motor vehicle while under the influence of intoxicating liquors prohibited; penalty.—That it shall be unlawful for any person to operate a motor vehicle on any of the public highways of this Commonwealth while under the influence of intoxicating liquors and for each violation of the above provisions the person so offending shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars and his license to operate a motor vehicle be revoked for the period of one year and for the second and each subsequent offense he shall be fined not less than $100.00 nor more than $500.00, and confined in the county jail not less than thirty days nor more than six months.

§ 8. That Section 2739g-37 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Right of way at intersections.—(1) Except as stated in the following subsections or where otherwise directed by a traffic officer the operator of a vehicle shall yield the right of way at the intersection of their paths to a vehicle approaching from the right unless such vehicle approaching from the right is further from the point of intersection of their paths than such first named vehicle. Provided that a vehicle being operated upon any inter-county seat highway, designated state highway or boulevard, or any street which may have by ordinance been designated as being equal in importance to a boulevard, shall not be required to observe the foregoing regulations where any such highway intersects another highway of lesser class. Any vehicle operated on the lesser class highway shall be required to stop before entering said inter-county seat highway or highway of a higher class.

(2) The driver of a vehicle shall stop at the entrances to a through highway and shall yield the right of way to other

vehicles which have entered the intersection from said through highway or which are approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway.

(3) The driver of a vehicle shall likewise stop in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(4) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

§ 9. That Section 2739g-40a of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Overtaking vehicles.—(a) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right until reasonably clear of such vehicles, and the person operating or in charge of the overtaking vehicle shall sound horn or other sound device before passing such vehicle; provided, that vehicles overtaking street cars may pass either to the right or left, (1) when so directed by a police officer, (2) on a one way street, (3) or where the location of the tracks prevents compliance with this article, having due regard for other traffic.

(b) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake, and, allowing sufficient clearance, pass another vehicle proceeding in the same

direction upon the left or upon the right on a roadway with unobstructed pavement or sufficient width for four or more lines of traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(c) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(d) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;

2. When approaching within 100 feet of any bridge, viaduct, or tunnel, or when coming within 100 feet of or traversing any intersection or railroad grade crossing;

3. Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line directs traffic as declared in the sign manual adopted (by the State highway commission).

(e) Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others clearly consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a three lane roadway a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such a center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation.

3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

(f) (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the highway.

(2) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within 150 feet of another motor truck or motor truck drawing another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use of motor trucks.

§ 10. That Section 2739g-48 of Carroll's Kentucky Statutes, 1936 edition, be, and is hereby, amended so as to read as follows:

(1) Stopping or repairing on public highways.—No person shall stop a vehicle or leave same standing or cause or permit same to stop or to be left standing upon the main traveled portion of any public highway nor upon any intersection thereof for the purpose of making repairs thereon or to any part thereof: Provided, however, that this provision shall not apply to a vehicle which shall be disabled while on such main traveled portion of the highway in such a manner and to such extent that it is impossible to avoid the occupation

of said main traveled portion or impracticable to remove the same therefrom until repairs shall have been made or sufficient help obtained for its removal.

(2) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes on obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(4) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping.

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

§ 11. That Section 2739g-51 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Speed.—No operator of a vehicle upon a public highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway, provided that:

(1) Where a highway passes through a closely built up business portion of any city or town, if the rate of speed of passing automobiles thereon exceeds twenty miles per hour it

shall be prima facie evidence of unreasonable and improper driving.

(2) Where a highway passes through the residence portion of any city or town or around any sharp curve, or on a steep grade in or outside of such town or city, if the rate of speed of passing automobiles exceeds thereon twenty-five miles per hour it shall be prima facie evidence of unreasonable and improper driving.

(3) Where a highway is outside of a closely built up business section of any city or town and is on a straight-away, unobstructed highway, if the rate of speed of automobiles thereon exceeds forty-five miles per hour it shall be prima facie evidence of unreasonable and improper driving. No person shall drive a motor vehicle at such slow speed as to block or impede the reasonable movement of traffic. Refusal to comply with the direction of an officer in accordance herewith shall constitute a misdemeanor.

(4) Nothing in the paragraphs above shall apply to vehicles owned and operated by the fire, police or hospital departments of any municipality.

(5) The speed of motor vehicles operating under certificates of convenience and necessity issued by the Commissioner of Motor Transportation as provided by Chapter 112 of the Acts of 1926 (K. S. sections 2739j-1 to 2739j-41), shall be regulated by paragraphs 1, 2 and 3 of this section, and shall not be classified as trucks on the regulation of speed.

§ 12. That Section 2739g-57 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Glass Throwing. (1) No person shall throw or deposit upon any public highway any glass bottles, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle.

(2) Any person removing a wrecked or damaged vehicle

from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 13. That the following provisions be added to the Kentucky Motor Vehicle Laws:

(1) Mirrors.—Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

(2) Safety glass in motor vehicles.—On and after January 1, 1939 no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation or as a school bus unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

On and after January 1, 1939 no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter unless such vehicle is equipped with safety glass wherever glass is used.

(3) Windshields must be unobstructed and equipped with wipers.—(a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(4) Trucks to carry flares or similar devices.—(a) No person shall operate any motor truck upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there

shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred feet for a period of at least eight hours, except that a motor vehicle transporting flammables may carry red reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

(b) Whenever any motor truck and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed upon the highway, one at a distance of approximately one hundred feet in advance of such vehicle, one at a distance of approximately one hundred feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting flammables three red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(c) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required, but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the roadway when and as required in this section.

(5) Vehicles transporting explosives.—Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(6) Unattended motor vehicle.—No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(7) Obstruction to a driver's view or driving mechanism.—(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or street car shall ride in such position as to interfere with the drive's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car.

(8) Driving on mountain highways.—The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approacing any cure where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

(9) Coasting prohibited.—(a) The driver of any

motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

(10) Following fire apparatus prohibied.—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(11) Crossing fire hose.—No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(12) Overtaking and passing school bus.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway shall come to a complete stop and then may proceed with due caution for the safety of any children and in no event in excess of ten miles per hour in passing such school bus.

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four inches in height which can be removed or covered when the vehicle is not in use as a school bus.

(13) Regulations relative to school busses.—(a) The State Board of Education by and with the advice of the State Highway Patrol shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any school district or

privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligations to comply with said regulations in any contract executed by them on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

(14) Turning on curve or crest of grade prohibited.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(15) Starting a parked vehicle.—No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(16) When signal required.—(a) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(b) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an oppropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(17) Pedestrians subject to traffic control signals.—Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this act, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(18) Pedestrians' right-of-way at crosswalks.—(a) Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(19) Crossing at other than crosswalks.—(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid col-

liding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(20) Pedestrians to use right half of crosswalks.—Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(21) Pedestrians soliciting rides.—No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

(22) Pedestrians on side of road.—Pedestrians shall at all times, when walking on or along a highway, walk on the left side of such highway.

(23) Obedience to signal indicating approach of train.—The driver of a vehicle shall stop and remain standing and not traverse a railroad grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

(24) Duty to report accidents.—(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of $50 or more shall, within 24 hours after such accident, forward a written report of such accident to the State Highway Patrol.

(b) The State Highway Patrol may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the State Highway Patrol and may require witnesses of accidents to render reports to the State Highway Patrol.

(25) When driver unable to report.—Whenever the driver of a vehicle is physically in capable of making a required accident report and there was another occupant in the vehicle a the time of the accident capable of making a re-

port, such occupant shall make or cause to be made said report.

(26) Accident report forms.—(a) The State Highway Patrol shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every required accident report shall be made on a form approved by the State Highway Patrol.

(27) Coroners to report.—Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the State Highway Patrol the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

(28) Accident reports confidential.—All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the State Highway Patrol except that the State Highway Patrol may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal arising out of an accident, except that the State Highway Patrol shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the State Highway Patrol solely to prove a compliance or a failure to comply with the requirements that such a report be made to the State Highway Patrol.

(29) State Highway Patrol to tabulate and analyze ac-

cident reports.—The State Highway Patrol shall tabulate and may anayze all accident reports and shall publish anually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

(30) Any incorporated city may require accident reports.—Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the State Highway Patrol. All such reports shall be for the confidential use of the city department and subject to the provisions of section 28 of this act.

(31) Penalties.—Any person violating the provisions of this section, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

§ 14. The State Highway Patrol is hereby explicitly required to enforce the regulatory provisions of this Act; provided, however, that this section shall not be construed to amend or modify the requirements of the law that local sheriffs, constables, city police and other peace officers are relieved of any legal obligations.

It is the intent and purpose hereof that member of the State Highway Patrol shall have coordinate responsibility with such local peace officers in the enforcement of the regulatory provisions of this Act.

§ 15. Constitutionality.—If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this act. The general assembly hereby declares that it would have passed this act, and each section, subsection, paragraph, sen-

tence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses and phrases be declared unconstitutional, or invalid.

§ 16. All laws, and parts of law, in conflict herewith, are to the extent of such conflict hereby repealed.

Mr. Hunnicutt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Norman A. Curtis	Ira W. Hulette
Geo. P. Anderson	Willard Q. Daniel	John M. Hunnicutt
J. Everett Bach	F. E. Daugherty	Ben W. Johnson
William T. Baker	L. M. Davisworth	William K. King
C. P. Bradbury	Sam Dever	Clyde D. Lester
C. C. Byrne	Forest C. Easley	Carl Lyttle
J. F. Carr	Archie Eversole, Jr.	D. T. Matlack
George S. Clay	Raymond Eyl	C. C. May
H. S. Cleveland	Ferd A. Gnau	T. B. McConnell
Herbert Cook	S. T. Hamilton	Elmer McGlothen
John C. Cornett	C. L. Hammons	Stanley C. Moebus

William E. Mull	John C. Robinson	S. J. Wagner
Tyler F. Munford	William T. Rollo	Henry Ward
Alfred A. Naff	E. A. Rose	H. L. Waterfield
Homer Neikirk	Carl Scheben	L. Roger Wells
Henry Plum	Leon J. Shaikun	R. E. West
H. O. Porter	Parker Sims	J. D. White
Kleber F. Price	Wm. St. C. Stuart	W. G. Williams
Ed. F. Prichard	A. Frank Tabb	Z. Taylor Young
Grover C. Ransom	W. R. Tapp	
Joe E. Robinson	Galbe B. Taylor	—61

There voted in the negative—

Clarence Rush —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 372. An Act relating to motor vehicle operators' licenses, repealing, amending and re-enacting sections 2739m-33, 2739m-35, 2739m-37, 2739m-41, 2739m-48 2739m-49, and 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, placing certain restrictions upon the renting of motor vehicles, providing for the examination of applicants for motor vehicle operators' licenses, providing licensees shall report change of name and address, providing penalties for the violation of the provisions hereof, making the Department of Revenue responsible for the administration of the financial provisions and the State Highway Patrol responsible for the administration of the safety provisions of the operators' license laws, repeal-

ing sections 2739m-43 and 2739m51 of Carroll's Kentucky Statutes, 1936 Edition, and declaring itself severable.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739m-33 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Definition of terms. The following words and phrases when used in this Act shall for the purpose of this Act have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, sowing machines and other implements of husbandry.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.

(f) "Operator." Every person who is in actual physical control of a motor vehicle upon a highway.

(g) "Non-resident." Every person who is not a resident of this State.

(h) "Department." Shall mean the Department of Revenue of the Commonwealth of Kentucky.

(i) "State Highway Patrol." Shall mean any agency for the enforcement of the highway laws of the Commonwealth established pursuant to sections 2739g-97, 4618-99 and 4618-154 of Carroll's Kentucky Statutes, 1936 Edition. All discretionary powers hereinafter vested in the State Highway Patrol shall be exercised in the discretion of the chief officer of said Patrol.

(j) "School Bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(k) "Street or Highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. The term "highway" or "street" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

§ 2. That section 2739m-35 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Persons exempt from license.—(a) No person shall be required to obtain an operator's license for the purpose of driving or operating a road roller, road machinery, or any form tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with a

driver's permit and when operating an official vehicle in such official service shall be exempt from license under this Act.

(c) A non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State only as an operator.

§ 3. That section 2739m-37 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

What person shall not be licensed.—(a) An operator's license shall not be issued to any person under the age of sixteen (16) years.

(b) An operator's license shall not be issued to any person whose license as operator has been suspended during the period for which such license was suspended, nor to any person whose license as operator has been revoked under the provisions of this Act, nor to any non-resident whose privilege of exemption under Section 4 of this Act has been refused or discontinued, until the expiration of one year after such license was revoked.

(c) An operator's license shall not be issued to any person who it is determined is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) No operator's license shall be issued to any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, nor then, unless the State Highway Patrol is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

(e) An operator's license shall not be issued to any person when in the opinion of the State Highway Patrol such person is afflicted with or suffering from such physical or mental

disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language.

(f) An operator's license shall not be issued to any person who is required by this Act to take an examination unless such person shall have successfully passed such an examination.

(g) An operator's license shall not be issued to any person who is required under the provisions of the motor vehicle financial responsibility laws of this Commonwealth to deposit proof of financial responsibility and who has not deposited such proof.

§ 4. That Section 2739m-41 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Application of minors.—(a) The application of any minor under the age of eighteen years for an operator's license or instruction permit shall not be granted unless such application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event the minor under the age of eighteen years has no father, mother or guardian, then an operator's license or instruction permit shall not be granted to the minor unless his application therefor is signed by his employer.

(b) In the event a minor deposits or there is deposited upon his behalf a proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this State, the application of such minor may be accepted when signed by one parent or the guardian of such minor, and while

such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

(c) Any person who has signed the application of a minor for a license may thereafter file with the Department a verified written request that the license of said minor so granted be canceled. Thereupon the license of said minor shall be canceled and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

(d) The State Highway Patrol, upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license, shall cause such license to be cancelled and no new license shall be issued such minor until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has abtained the age of eighteen (18) years.

§ 5. That Section 2739m-48 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Court to Report.—Any court having jurisdiction over offenses committed under this Act or any other Act of this Commonwealth regulating the operation of motor vehicles on the highways shall report upon form furnished by the State Highway Patrol the conviction, pleas or forfeiture of bond arising under such Act or Acts to the State Highway Patrol within fifteen (15) days after such action.

§ 6. That Section 2739m-49 of Carroll's Kentucky Statutes, 1936 Edition, be, and is, hereby amended to read as follows:

Mandatory suspension or revocation of licenses:—(a) The State Highway Patrol shall forthwith revoke the license

of any operator upon receiving record of such operator's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Assault and battery resulting from the operation of a motor vehicle.

(3) Driving a vehicle while under the influence of intoxicating liquor, or narcotic drug.

(4) Perjury or the making of a false affidavit under this Act or any other law of this State requiring the registration of motor vehicles or regulating their operation on highways.

(5) Any crime punishable as a felony under the motor vehicle laws of this State or any other felony in the commission of which a motor vehicle is used.

(6) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.

(7) A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person upon a charge of failing to stop and disclose his identity at the scene of the accident.

(b) The State Highway Patrol, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period.

§ 7. That Section 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, be, and is, hereby amended to read as follows:

Discretionary suspension or revocation by State Highway Patrol.—(a) The State Highway Patrol may immediately suspend the license of any person with or without hearing and with or without receiving a record of conviction

of such person of crime whenever the State Highway Patrol has reason to believe:

(1) That such person has committed any offenses for the conviction of which mandatory revocation of license is provided in this Act.

(2) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(3) That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive upon the highways.

(4) That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this State.

(b) The State Highway Patrol is hereby authorized to suspend or revoke the right of any non-resident to operate a motor vehicle in this State for any cause for which the license of a resident operator may be suspended or revoked, and any non-resident who operates a motor vehicle upon a highway when his right to operate has been suspended or revoked by the State Highway Patrol shall be guilty of a misdemeanor and subject to punishment as provided in Section 28.

(c) The State Highway Patrol is hereby authorized to suspend or revoke the license of any resident of this State upon receiving notice of the conviction of such person in another state of an offense therein which if committed in this State, would be grounds for the suspension or revocation of the license of an operator. The State Highway Patrol is further authorized upon receiving a record of the conviction in this State of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this State to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) The State Highway Patrol shall not suspend a license for a period of more than one year and upon suspend-

ing or revoking any license shall require that such license so suspended or revoked shall be surrendered to and retained by the State Highway Patrol except that at the end of a period of suspension such license so surrendered shall be returned to the licensee.

§ 8. Renting a motor vehicle to another. (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the state or country of his residence, except a non-resident whose home state or country does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or employee of the Department.

§ 9. Examination of applicants. (a) The State Highway Patrol may examine every applicant for an operator's license, except as otherwise provided in this section. Such examination shall be held in the county where the applicant resides, unless such applicant shall in writing make request for examination in another county within not more than ten (10) days from the date application is made. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall

include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) The State Highway Patrol is hereby authorized to appoint persons from the Highway Patrol for the purpose of examining applicants for operators' licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operator's licenses under the provisions of this chapter.

(c) An operator's license shall be issued without examination to any person applying therefor within three (3) months after this section takes effect who furnishes evidence satisfactory to the State Highway Patrol that he is not disqualified under the provisions of this Act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one year.

§ 10. Notice of change of address or name.—Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the State Highway Patrol in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

§ 11. Penalties.—(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this State declared to be a felony.

(b) Unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 12. The Department shall provide or cause to be pro-

vided to the appropriate persons or officials an adequate supply of forms for the administration of Chapter 13 of the Acts of the Third Extraordinary Session of the 1936 Kentucky General Assembly as amended by this Act. The style of such forms and the method of their use shall be prescribed by the Department and shall be adequate to protect the financial and safety interests of the Commonwealth.

The Department shall be responsible for collecting all money due the Commonwealth from the circuit court clerks for operators' licenses issued, and shall deposit such money with the State Treasurer.

The circuit court clerks shall receive all applications for operators' licenses and shall maintain an alphabetical file of copies thereof. The circuit court clerks shall also maintain adequate records of all money collected and remitted to the Department and of all residents of the county to whom licenses have been issued or for whom they have been denied, suspended or revoked.

The administration of the provisions of Chapter 13 of the Acts of the Third Extraordinary Session of the 1936 Kentucky General Assembly as amended by this Act relating to the approval of applications, denials, suspensions and revocations of the license privilege, compliance with the license requirement by motor vehicle operators, and any other safety provision of the operators' license laws not specifically vested in the Department of Revenue or the circuit court clerks by this section shall be vested in the State Highway Patrol. To facilitate the effective execution of the provisions of this paragraph, the Department of Revenue shall supply the State Highway Patrol with the original copy of each application submitted to it by any circuit court clerk. The State Highway Patrol shall have full authority to prescribe and enforce reasonable regulations governing the acts of the circuit court clerks and motor vehicle operators under the safety provisions of the motor vehicle operators' license laws,

and to require such reports and the maintenance of such files as it shall deem necessary.

Any person aggrived by any ruling, regulation or decision of the State Highway Patrol relating to the denial, suspension or revocation of an operator's license or any other safety provision of the motor vehicle operators' license laws shall advise the State Highway Patrol of the same, stating the grounds for his grievance and may, in not less than fifteen (15) or more than thirty (30) days thereafter, petition the Quarterly Court of the county in which such person resides for relief, which court is hereby empowered to grant adequate relief, provided such person shall file a copy of such petition with the State Highway Patrol, and further provided that either the aggrieved person or the State Highway Parol may appeal from any decision of such court.

§ 13. Sections 2739m-43 and 2739m-51 of Carroll's Kentucky Statutes, 1936 Edition, and all laws or parts of law to the extent that they conflict with his Act are hereby repealed.

§ 14. Severability clause.—Each provision, section, paragraph or phrase of this Act shall apply separately and if any provision, section, paragraph or phrase or the application of such to any person or circumstances be held invalid, such decision shall not affect the validity of the remainder of the Act, it being hereby expressed as the legislative intent that the remainder of the Act would have been passed without the invalid provision, section, paragraph or phrase, or that the Legislature would not have passed such without intending that it should not apply to such person or circumstance.

Mr. Farnsley offered the following amendment to said bill, viz:

Amend H. B. 372 on page 2, Sec. 1-A, line 10 after the word "tracks" and before the period, add the words "or derives its power from overhead wires"

Said amendment was agreed to.

Mr. Hunnicutt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ben W. Johnson	William T. Rollo
C. P. Bradbury	William K. King	E. A. Rose
C. C. Byrne	Clyde D. Lester	Clarence Rush
J. F. Carr	Carl Lyttle	Carl Scheben
H. S. Cleveland	D. T. Matlack	Leon J. Shaikun
Willard Q. Daniel	Stanley C. Moebus	Parker Sims
F. E. Daugherty	Rodes K. Myers	Wm. St. C. Stuart
L. M. Davisworth	Luster C. Oxley	Gabe B. Taylor
Sam Dever	Henry Plum	S. J. Wagner
Forest C. Easley	H. O. Porter	Henry Ward
Raymond Eyl	Kleber F. Price	L. Roger Wells
Ferd A. Gnau	Ed F. Prichard	R. E. West
S. T. Hamilton	Grover C. Ransom	W. G. Williams
Ira W. Hulette	Joe E. Robinson	Lee Roy Wilson
John M. Hunnicutt	John C. Robinson	Z. Taylor Young

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Those who voted in the negative were—

George S. Clay	Norman A. Curtis	Joe L. Wall
Herbert Cook	Elmer McGlothen	H. L. Waterfield

—6

Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the following bills were reported, viz:

H. B. 168. An Act to limit the length of trains and require reports be made to the State Railroad Commission.

H. B. 216. An Act to authorize the State Highway Department to maintain State roads that pass through unincorporated cities and towns.

H. B. 257. An Act to provide for voluntary apprenticeship.

H. B. 294. An Act to restrict the issuance of injunctions in labor disputes.

H. B. 314. An Act to permit county boards of education to levy a general tax of not more than the maximum levy of county school districts plys the lowest of the subdistrict levies.

H. B. 345. An Act to create a State Board of Registration for professional engineers.

H. B. 350. An Act to extend jurisdiction of notaries public.

H. B. 379. An Act relating to the Fish and Game Commission Code; revising the fish and game laws.

H. B. 395. An Act to provide that owners of motor vehicles must have public liability insurance before license can be obtained.

H. B. 410. An Act to provide for the sharing of primary or general election expenses on a proportionate basis by cities and counties in counties containing cities of the first class.

H. B. 413. An Act to provide for civil service boards in cities of the third class.

H. B. 415. An Act to amend Sec. 687 of the Kentucky Statutes, relating to character of risks that may be taken limit of risks and fixing liability of officers for exceeding limit.

S. B. 55. An Act to amend Criminal Code of Practice relating to the keeping together and separation of jurors.

S. B. 134. An Act to amend the law relating to firemen's pension funds in cities of the first class.

S. B. 168. An Act to change the town of Evarts, Harlan county from a sixth class to a fifth class city.

H. Res. 75. To allow each member of the Senate and House $3.00 per dam for expenses incurred while performing strictly official duties.

H. B. 76. An Resolution to authorize Mary Utley Brown to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolution were read at length the first time and ordered to be placed on the Calendar.

Mr. Shaikun moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 21, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Geo. P. Anderson	Ferd A. Gnau	Heman H. McGuire
William T. Baker	C. A. Hale	Jas. H. McKinney
C. P. Bradbury	S. T. Hamilton	Alton Mitchell
C. C. Byrne	C. L. Hammons	Stanley C. Moebus
J. F. Carr	Ira W. Hulette	William E. Mull
George S. Clay	John M. Hunnicut	Rodes K. Myers
H. S. Cleveland	Ben W. Johnson	Alfred A. Naff
Herbert Cook	William K. King	Homer Neikirk
John C. Cornett	Clyde D. Lester	Mel Petry
Norman A. Curtis	Carl Lyttle	Henry Plum
F. E. Daugherty	John Marshall	Kleber F. Price
Sam Dever	D. T. Matlack	Ed. F. Prichard
Forest C. Easley	Peter P. Mattingly	Hobart Rayburn
Archie Eversole, Jr.	C. C. May	Hubert H. Read
Raymond Eyl	T. B. McConnell	Thomas Rigdon
Chas. P. Farnsley	Elmer McGlothen	Joe E. Robinson

John C. Robinson	A. Frank Tabb	H. L. Waterfield
William T. Rollo	W. R. Tapp	R. E. West
E. A. Rose	Galbe B. Taylor	John M. Williams
Carl Scheben	Erna E. Tyra	W. G. Williams
Leon J. Shaikun	S. J. Wagner	Lee Roy Wilson
Parker Sims	Joe L. Wall	James W. Young
Wm. St. C. Stuart	Henry Ward	

Mr. Shaikun moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Easley moved that the privilege of the floor be extended to Miss Smith and Mrs. Moseley of Louisville, Kentucky.

Said motion was agreed to.

Mr. Cleveland moved that the privilege of the floor be extended to Dr. and Mrs. J. F. Furnish of Taylorsville, Kentucky.

Said motion was agreed to.

Mr. Price moved that the privilege of the floor be extended to Captain Robert L. Chambers.

Said motion was agreed to.

Mr. Clay moved that the privilege of the floor be extended to Mr. W. G. Schoepflin of Henderson, Kentucky.

Said motion was agreed to.

Mr. McGuire moved that the privilege of the floor be extended to Mr. Samuel Morris.

Said motion was agreed to.

Mr. Prichard moved that a bill entitled:

H. B. 129. An Act regulating the sale, manufacture and distribution of alcoholic beverages etc.

With Committee amendments thereto by way of Substitutes therefor and Committee amendments to said Substitute.

Be made a Special Order of the Day, for Thursday February 24, at two o'clock P. M.

Mr. Hammons moved that said bill be made a Special Order for to-day at four o'clock P. M.

Mr. Joe Robinson moved that said bill be made a Special Order of the Day for to-day at three-thirty o'clock P. M.

Without objection the motion as made by Mr. Hammons was withdrawn.

The motion as made by Mr. Joe E. Robinson that said bill be made a Special Order of the Day, for to-day at three-thirty o'clock P. M., was then agreed to.

The yeas and nays being required thereon by Messrs. Shaikun and Lee Roy Wilson, were as follows, viz:

Those who voted in the affirmative were—

William T. Baker	H. S. Cleveland	Raymond Eyl
C. P. Bradbury	F. E. Daugherty	Chas. P. Farnsley
C. C. Byrne	Sam Dever	Ferd A. Gnau

C. A. Hale	J. H. McKinney	E. A. Rose
S. T. Hamilton	Rodes K. Myers	Carl Scheben
C. L. Hammons	Luster C. Oxley	Parker Sims
Ira W. Hulette	Henry Plum	A. Frank Tabb
John M. Hunnicutt	Kleber F. Price	R. E. West
Ben W. Johnson	Thomas Rigdon	John M. Williams
Clyde D. Lester	Joe E. Robinson	W. G. Williams
Peter P. Mattingly	John C. Robinson	James W. Young
C. C. May	William T. Rollo	—35

Those who voted in the negative were—

J. F. Carr	John B. Mollette	Gabe B. Taylor
George S. Clay	William E. Mull	Erna E. Tyra
Herbert Cook	Alfred A. Naff	Joe L. Wall
John C. Cornett	Mel Petry	Henry Ward
Forest C. Easley	Ed F. Prichard	H. L. Waterfield
William K. King	Hobart Rayburn	Lee Roy Wilson
H. H. McGuire	Leon J. Shaikun	Terrill A. Wilson
Stanley C. Moebus	W. R. Tapp	—23

At the instance of the Committee on Rules the following bills and resolutions were introduced.

By Mr. Scheben.

H. B. 421. An Act repealing, amending and re-enacting Section 2554c-1, Baldwin's Kentucky Statutes Service, being Section 1 of Chapter 1 of the Acts of the 1936 Regular Session of the General Assembly of the Commonwealth of Kentucky and providing for a referendum to be submitted to the voters of any precinct, district, town, city, or county to determine when this Act shall become effective in each respective precinct, district, town, city or county, where under local option act such precinct, district, town, city or county are legally dry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2554c-1, Baldwin's Kentucky Statutes Service, being Section 1 of Chapter 1 of the Acts of the 1936 Regular Session of the General Assembly of the Commonwealth of Kentucky be repealed, amended and re-enacted so as to read as follows:

1. DEFINITIONS

Section 2554c-1. Definitions.—As used in this Act, the following terms, unless the text otherwise indicates, shall have the following meanings respectively:

(a) "Local Option Territory" of "Territory" means such county, city, town, district or precinct for which a petition shall be filed asking for an election to take the sense of the voters regarding the sale, barter and loan of intoxicating liquors as provided, and such governmental unit where a majority shall have voted in favor of prohibiting the sale, barter or loan of said liquors or the possession or transportation thereof.

(b) "Spirituous, vinous or malt liquors" means respectively, intoxicating liquor. "Intoxicating liquor" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter and wine and in addition thereto any spirituous, vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called containing more than three and two tenths percentum of alcohol by weight which are fit for use for beverage purposes.

(c) The word "person" includes the singular and plural number, and shall mean and include a natural person, association, co-partnership or corporation.

(d) "Election" means an election to be held for the purpose of taking the sense of the people as to the prohibition or permission of the sale, barter or loan of spirituous, vinous or malt liquors in any territory.

(e) "Prohibition" means that the sale, barter or loan of intoxicating liquors have been rendered unlawful under the terms of this Act.

(f) "Local Option Law" refers to the provisions of this Act. Provided, however, that the definition of spirituous, vinous or malt liquors and of intoxicating liquors as used in this Act shall not apply in any county, city, town, district or precinct now legally Dry under the local option act, same being Chapter 1 of the Acts of the 1936 regular session of the General Assembly of this Commonwealth, until the expiration of three years from the time of the election at which said county, city, town, district or precinct voted dry, unless there shall be held in the manner, hereinafter set out a referendum in which the sense of the legal voters of such county, city, town, district or precinct may be taken, at which said referendum a majority of the votes cast shall be in favor of the sale in such county, city, town, district or precinct of malt beverages containing not more than 3.2 percent of alcohol by weight. In any county, city, town, district or precinct, legally dry on the effective date of this Act, a referendum may be held for the purpose of taking the sense of the voters of such county, city, town, district or precinct, upon the question of the sale of a non-intoxicating malt beverage containing not more than 3.2 percent of alcohol by weight. Such referendum shall be held whenever a petition is filed in the County Court Clerk's office of the County in which said referendum is desired, to which such petition there are attached signatures of voters of the Local Option territory affected, equal in number to 25 percent of the total number of votes cast in the last regular election in said territory. Such referendum shall be called by the County Judge of the county containing such territory and shall be held on the date specified in the petition which may be any date on which such election may be held under the Constitution of the Commonwealth. Such referendum shall be held in substantially the same manner as are other elections and there shall be

submitted to the voters in the territory where such referendum is held a question in substantially the following form, to wit:

ARE YOU IN FAVOR OF THE SALE OF NON-INTOXICATING MALT BEVERAGES CONTAINING NOT MORE THAN 3.2 PER CENT OF ALCOHOL BY WEIGHT?..... YES.....
NO.....

In the event a majority of the legal votes cast in such referendum election are in the affirmative then the sale of malt beverages containing not more than 3.2 percent of alcohol by weight shall be legal in such affected territory. If a majority of the legal votes cast in such election shall be in the negative then the sale of such malt beverages shall continue to be illegal until the expiration of the three years set out above. The votes cast in the referendum election above referred to shall be counted and certified in the same manner as are the votes in other elections.

The petition calling for the referendum referred to above shall be filed not less twenty-five nor more than sixty days before the date specified for the holding of the referendum and such referendum shall be advertised for a period of two weeks in at least two issues of a newspaper of general circulation, printed and published in the county in which said referendum is called, or if no newspaper be published therein, by posting of handbills in at least five conspicuous places in every precinct in which the referendum is to be held. The advertisement shall briefly describe the time and place of holding of said referendum and shall contain the question to be submitted to the voters together with a brief explanation of said question.

If any part or paragraph of this Act shall be held unconstitutional such decision shall not effect the constitutionality of the balance of the Act as it is declared to be the legislative intent to enact each sentence, part and paragraph separately.

By Mr. Hunnicutt.

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theaters and providing for rates and classifications therefor.

Said bill is as follows, viz:

Whereas, modern economical thought has definitely established that large chain operations or managements, through their volume of buying power are enabled to secure price discriminations either by way of rebate or discount, and

Whereas, as a result of these rebates or discounts large chain operations or managements receive accompanying competitive advantages not secured to local operations, now therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On each theater for public exhibitions or performances, there shall be levied an annual license based upon the number of seats per theater, the minimum charge under this section to be ten dollars, and the same to be levied according to the grades and classifications as hereinafter fixed. A theater within the meaning of this act shall be constructed to be any building wherein public exhibitions or performances, including moving picture shows, and television exhibitions are given, and at which a charge is exacted from those attending same. This provision shall not apply to chautauquas, or to buildings owned by religious or charitable organizations in which public exhibitions or performances are given at which a charge is or may be exacted for those attending same.

§ 2. Every person, persons, firm, corporation, partnership or association of whatever kind or character, engaged in the business of operating two or more theaters as defined in sub-section one of this section, one or more of which is

operated within this State under the same and/or ultimate general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, whether within this State or not, according to the grades and classifications as hereinafter fixed.

Sub-Section A. Any person, persons, firm, corporation, partnership or association, of any kind or character operating from one to ten theaters shall pay an annual license tax of twenty cents per seat per annum for each theater operated within this State.

Sub-Section B. Any person, persons, firm, corporation, partnership or association, of any kind or character, operating from ten to twenty theaters shall pay an annual license tax of forty cents per seat per annum for each theater operated within this State.

Sub-Section C. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from twenty to forty theaters shall pay an annual license tax of eighty cents per seat per annum for each theater operated within this State.

Sub-Section D. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from forty to fifty theaters shall pay an annual license tax of one dollar and sixty cents ($1.60) per seat per annum for each theater operated within this State.

Sub-Section E. Any person, persons, firm, corporation, partnership or association of any kind or character, operating more than fifty theaters shall pay an annual license tax of three dollars and sixty cents ($3.60) per seat per annum for each theater operated within this State.

Sub-Section 3. Provided, however, that the grades and classifications as set out in Sub-Sections A, B, C, D, and E, inclusive of Sub-Section 2 of this Act shall apply to all such theaters as described in this Act in each and every county, except counties having a city of the first class, and in such counties having a city of the first class only the grades and classifications and rate as provided in Sub-Section A of Sub-Section 2 of this Act shall apply.

Sub-Section 4. Every person, persons, firm, corporation, partnership or association of whatever kind or character, operating a theater as defined in this Act, shall file with the County Clerk of the County in which said theater or theaters are operated a statement, under oath, of the number of seats contained in each theater operated in said County of this State, and shall further file a statement declaring such other information, under oath, as is provided and required by the provisions of this Act.

By Mr. Daugherty.

H. B. 423. An Act to repeal, amend and re-enact Chapter 14, sections 1 to 8 of the Acts of the General Assembly of 1904, redistricting the State of Kentucky into seven districts, and being Chapter 35, sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, transferring the county of Cumberland from the third appellate district to the second appellate district.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 14, sections 1 to 8 inclusive, of the acts of the General Assembly of 1904, being sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, be repealed, amended and re-enacted so as to read as follows:

First District.—The first appellate court district shall consist of the counties of Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Muhlenberg, and Christian.

Second District.—The second appellate court district shall consist of the counties of Henderson, McLean, Daviess, Hancock, Breckinridge, Ohio, Grayson, Butler, Edmonson, Warren, Allen, Simpson, Logan, Todd, Monroe, Meade, and Cumberland.

Third District.—The third appellate court district shall consist of the counties of Hardin, Bullitt, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe, Barren, Wayne, Russell, Casey, Shelby, Oldham, Anderson, Pulaski, Clinton and McCreary.

Fourth District.—The fourth appellate court district shall consist of the county of Jefferson.

Fifth District.—The fifth appellate court district shall consist of the counties of Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard, Boyle, Jessamine, Madison, Mercer, Lincoln, Rockcastle, and Jackson.

Sixth District.—The sixth appellate court district shall consist of the counties of Boone, Campbell, Kenton, Grant, Harrison, Pendleton, Bracken, Robertson, Nicholas, Mason, Fleming, Lewis, Greenup, Carter, Rowan, Bath, and Elliott.

Seventh District.—The seventh appellate court district shall consist of the counties of Clark, Montgomery, Estill, Powell, Menifee, Bell, Harlan, Leslie, Lee, Breathitt, Perry, Letcher, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Lawrence, Boyd, Johnson, Owsley, Clay, Knox, Laurel, Whitley, and Martin.

All laws or parts of laws in conflict herewith are repealed.

By Mr. Cleveland.

H. B. 424. A Bill to amend and re-enact Sections 1, 3, 4, 6, 7 and 9 of Chapter 106 of the Acts of the General Assembly of the Commonwealth of Kentucky, as amended by Chapter 132 of the Acts of 1934, and by Chapter 63 of the Acts of 1936, being Sections 2739g-80, 2739g-82, 2739g-83, 2739g-85, 2739g-86 and 2739g-88, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, providing for the further regulation of motor trucks, truck-tractors, semi-trailers and trailers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 1, 3, 4, 6, 7 and 9 of Chapter 106 of the Acts of 1932, of the General Assembly of the Commonwealth of Kentucky, as amended by Chapter 132 of the Acts of 1934, and by Chapter 63 of the Acts of 1936, being Sections 2739g-80, 2739g-82, 2739g-83, 2739g-85, 2739g-86 and 2739g-88, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be, and the same hereby are, amended and re-enacted to read, respectively, as follows:

§ 1. Definitions. The following words and phrases when used in this Act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section:

Motor Truck.—Every self-propelled vehicle designed for carrying freight or merchandise and not operated or driven on fixed rails or tracks; but shall not include self-propelled vehicles designed primarily for passenger transportation, but equipped with frames, racks, or bodies having a load capacity not exceeding one thousand pounds.

Truck-tractor.—Every self-propelled vehicle, not operated or driven on fixed rails or tracks, designed to draw, and to support the front end of, a semi-trailer.

Semi-trailer.—Every vehicle designed to be attached to and to have its front end supported by a motor truck or a

truck-tractor and intended for the carrying of freight or merchandise and with a load capacity exceeding one thousand pounds.

Semi-trailer truck.—A combination of a motor truck or a truck-tractor and a semi-trailer.

Trailer.—Every vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, and intended for the carrying of freight or merchandise, and with a load capacity exceeding one thousand pounds.

Person.—Every individual, partnership, association, trust or corporation, and the receivers, assignees, or agents of any of them.

Commission.—The Department of Highways of the Commonwealth of Kentucky.

State Highway Engineer.—The State Highway Engineer of the Commonwealth of Kentucky.

Highway.—Every public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches thereto, within the limits of the Commonwealth of Kentucky.

Axle load.—The total load on all wheels whose centers are included within two parallel transverse vertical planes not more than forty inches apart.

§ 3. Weight.—(a) No person shall operate upon any highway any motor truck, truck-tractor, or semi-trailer truck having a gross weight upon any wheel thereof in excess of six (6) thousand pounds, with high pressure pneumatic tires, or in excess of seven (7) thousand pounds with low pressure balloon tires.

(b) No person shall operate upon any highway any motor truck, truck-tractor, or semi-trailer truck having a gross weight upon any one axle thereof in excess of twelve (12) thousand pounds, with high pressure pneumatic tires, or in excess of fourteen (14) thousand pounds with low pressure balloon tires.

(c) No person shall operate upon any highway any motor truck, tractor, or semi-trailer truck having a maximum

load in excess of six hundred (600) pounds per inch width of tire.

(d) Subject to the above limitations on wheel and axle loads, no person shall operate upon any highway any motor truck, truck-tractor or semi-trailer truck the gross weight of which, including load, shall exceed thirty (30) thousand pounds.

§ 4. Height.—No person shall operate upon any highway any motor truck, truck-tractor, or semi-trailer truck the height of which, unladen or with load, shall exceed twelve feet six inches, but nothing herein contained shall be constructed to require the public authorities to provide sufficient vertical clearances to permit the operation of such vehicles with a height of twelve feet six inches.

§ 6. Length.—(a) No person shall operate upon any highway any motor truck or truck-trailer the length of which, including any part of the body or load, shall exceed thirty-five feet.

§ 7. Speed.—No person shall operate any motor truck, truck-tractor, or semi-trailer truck on any highway outside cities or incorporated towns at a greater speed than thirty-five (35) miles per hour, if its gross weight, including load, exceeds five thousand pounds, or at a greater speed than forty-five (45) miles per hour, if its gross weight, including load, shall be five thousand pounds or less, and inside the limits of cities and incorporated towns the maximum speed limits shall be twenty miles per hour and twenty-five miles per hour, respectively. No person shall operate any motor truck, truck-tractor, or semi-trailer truck upon any highway unless it shall have motive power adequate to propel such vehicle with any load thereon to be drawn thereby at a speed which will not impede or block the normal and reasonable movement of other traffic upon said highway, or part thereof, over which such vehicle shall be operated.

§ 9. Brakes.—No person shall operate any semi-trailer on any highway unless such semi-trailer shall be equipped

with efficient brakes of such design and character that they may be operated and controlled by the operator of the motor truck or truck-tractor to which said semi-trailer is attached. Every motor truck, truck-tractor, or semi-trailer truck when operated on any highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle stationary on any grade upon which operated.

By Mr. Alton Mitchell.

H. Res. 81. Joint Resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

Said resolution is as follows, viz:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky; the Senate concurring therein, that

WHEREAS, George Luttrell and Nora Luttrell, his wife, are owners of a tract of land in Edmonson County, Kentucky, claim that their property has been damaged by blasting done at the state quarry operated by the State Highway Commission in Edmonson County, and

BE IT RESOLVED THAT George Luttrell and his wife, Nora Luttrell are hereby authorized to enter suit in the Edmonson Circuit Court against the Commonwealth of Kentucky, its Department of Highways, both or either in the option of said claimants, both or either, as they want, for damages to their property from blasting as set out hereinabove and in the event a judgment is recovered the losing party may appeal to the Court of Appeals and in the event of a judgment in their favor or if said suit is settled or compromised same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury out of the Highway Fund.

Order that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz:

H. B. 237. An Act to repeal Chapter 95, being Sec. 2780 to 3786, both inclusive of Carroll's Kentucky Statutes, and enacting in lieu thereof an Act relating to county patrols or county police forces.

H. B. 290. An Act to provide for the safe operation of stationary power plants.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky for the determination and establishment of minimum fair wages for such workers.

H. B. 373. An Act to amend and re-enact Sec. 4191 and 4197, Kentucky Statutes, Carroll's 1936 Edition, relating to occupational licenses.

H. B. 396. An Act authorizing cities of the first, second, third, fourth, and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, etc.

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation.

H. B. 401. An Act to repeal, amend and re-enact Sec. 24, Chapter 1 of the Acts of the Second Extraordinary session of 1936, being entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency.

H. B. 407. An Act relating to the adoption of children and the adoption of a person as heir at law, the jurisdiction and venue of such a proceedings, etc.

H. B. 411. An Act to regulate the business of mining; to provide for the qualification of miners; for examination of miners before examining boards, etc.

H. B. 417. An Act to promote the objects of the National Housing Act as amended by authorizing banks, saving banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act.

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth.

H. B. 421. An Act repealing, amending and re-enacting Sec. 2554c-1, Baldwin's Kentucky Statute Service, being Sec. 1 of Chapter 1 of the Acts of 1936 Regular session and providing for a referendum to be submitted to the voters of any precinct, district, town, city or county to determine when this act shall shall become effective in each respective precinct, etc., where under local option act, such precinct, district, town, city or county are legally dry.

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theaters, etc.

H. B. 423. An Act to repeal, amend and re-enact 1 to 8 of the Acts of the General Assembly of 1904, redistricting the State of Kentucky into seven districts, and being Chapter 35, section 939 to 936, inclusive of Carroll's Kentucky Statutes, transferring the county of Cumberland from the third appellate district to the second appellate district.

H. Res. 81. Resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth.

H. Res. 69. Resolution authorizing Bruce Peters, to sue the Commonwealth.

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth and the State Industrial College or either.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Commonwealth.

H. Res. 78. Resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committe on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

H. Res. 74. Resolution authorizing and directing pay-

ment of the sum of one thousand four hundred and thirty ($1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives, and the sum of eight hundred and eighty dollars ($880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives, representing the amounts due them for services rendered in 1937 proof reading copies for journals.

H.B. 398. An Act to repeal, amend and re-enact Secs. 2005-1, 2005-2, 2005-3 of Carroll's Kenutcky Statutes, 1936 Edition, providing for increase of compensation of the members of the General Assembly.

H. B. 399. An Act relating to revenue and taxation and declaring an emergency.

S. B. 35. An Act to require health certificates before marriage license be issued.

S. B. 87. An Act authorizing the Department of Highways of the Commonwealth of Kentucky to acquire from any city of the first class any toll bridge theretofore constructed or acquired by such city from the proceeds of Revenue Bonds of such city, etc.

S. B. 194. An Act to authorize railroad companies to transport persons and property as common carriers by motor vehicles on highways and by aeroplanes in the air.

H. Res. 79. Resolution providing for additional compensation for the employees of the Senate and House.

H. Res. 80. Resolution providing for the benefit of certain state employees.

H. B. 168. An Act to limit the length of trains and require reports be made to the State Railroad Commission.

H. B. 216. An Act to authorize the State Highway Department to maintain State roads that pass through unincorporated cities and towns.

H. B. 257. An Act to provide for voluntary apprenticeship

H. B. 294. An Act to restrict the issuance of injunctions in labor disputes.

H. B. 314. An Act to permit county boards of education to levy a general tax of not more than the maximum levy of county school districts plys the lowest of the subdistrict levies.

H. B. 345. An Act to create a State Board of Registration for professional engineers.

H. B. 350. An Act to extend jurisdiction of notaries public.

H. B. 379. An Act relating to the Fish and Game Commission Code; revising the fish and game laws.

H. B. 395. An Act to provide that owners of motor vehicles must have public liability insurance before license can be obtained.

H. B. 410. An Act to provide for the sharing of primary or general election expenses on a proportionate basis by cities and counties in counties containing cities of the first class.

H. B. 413. An Act to provide for civil service boards in cities of the third class.

H. B. 415. An Act to amend Sec. 687 of the Kentucky Statutes, relating to character of risks that may be taken limit of risks and fixing liability of officers for exceeding limit.

S. B. 55. An Act to amend Criminal Code of Practice relating to the keeping together and separation of jurors.

S. B. 134. An Act to amend the law relating to firemen's pension funds in cties of the first class.

S. B. 168. An Act to change the town of Evarts, Harlan County from a sixth class to a fifth class city.

H. Res. 75. To allow each member of the Senate and House $3.00 per diem for expenses incurred while performing strictly official duties.

H. Res. 76. A Resolution to authorize Mary Utley Brown to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Hunnicutt moved that the House do now recess until three-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of three-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the Day the Special Order for three o'clock P. M. to-wit: a resolution entitled:

S. Res. 32. A Resolution authorizing and directing payment out of the State Road Fund of a claim of the Codell Construction Company, a corporation; and ratifying and approving said claim and the written supplemental contracts and the acts on which said claim is based; and declaring an emergency.

Said resolution is as follows, viz:

WHEREAS, in the fall of 1934 the State Highway Commission of Kentucky, pursuant to and in compliance with the provisions of the Statutes, advertised for bids for the construction of approximately 6.428 miles of grade and drain type of construction of a certain highway embraced in the State Primary System of Highways in Pike County, known and designated as Pike County S. P. No. 6½-B G; and,

WHEREAS, the Codell Construction Company, a corporation, submitted its bid pursuant to the advertisement by the State Highway Commission aforesaid; and,

WHEREAS, on or about October 23, 1934 said State Highway Commission, by proper order entered on the records of said Commission, determined that the Codell Construction Company's bid was the lowest and best bid, accepted said bid and entered into a written contract and bond with the Codell Construction Company in conformity therewith, which contract and bond were dated November 13, 1934; and,

WHEREAS, before the completion of the work which the Codell Construction Company agreed to perform under the

terms of the original contract and bond aforesaid, said State Highway Commission requested the Codell Construction Company to agree to perform extra or additional work at the same unit prices provided for in the original contract, and to enter into supplemental agreements therefor, and the Codell Construction Company did so agree and enter into two supplemental agreements in writing with said State Highway Commission, each dated November 1, 1935. By the terms of said supplemental contracts said Codell Construction Company agreed to do the extra or additional work therein provided, and to furnish the extra materials therein required for grading, draining and constructing the extension of the same road and project provided for in the original contract for a distance of approximately 2.586 miles, which said supplemental contracts were duly and regularly signed by the Chairman of the State Highway Commission and the Codell Construction Company, respectively; and,

WHEREAS, the Codell Construction Company fully performed each and all of the terms, covenants and conditions of said supplemental contracts on its part to be performed; and,

WHEREAS, under the terms of said supplemental contracts the Commonwealth of Kentucky and the State Highway Commission agreed to pay the Codell Construction Company the sum of Forty Thousand Nine Hundred Sixty-seven and 99/100 ($40,967.99) Dollars, all of which has been due and payable since the 24th day of July, 1936 and no part of which has been paid; and,

WHEREAS, the Codell Construction Company filed a suit under the Declaratory Judgment Act in the Franklin Circuit Court to have determined the validity of said supplemental contracts and to require payment to be made of the amount due according to the terms of said contracts, with the interest thereon from the date said amount became due; and,

WHEREAS, upon final hearing of the case in the Frank-

lin Circuit Court, after all pleadings were filed and the evidence heard and considered, a judgment was entered in the Franklin Circuit Court wherein the Court found (a) that "it is clearly established from the evidence that the unit prices specified in the original and supplemental contracts were reasonable and fair to the Commonwealth of Kentucky, that the plaintiff entered into such supplemental contracts in good faith and fully and satisfactory performed the work stipulated to be done by plaintiff in such supplemental contracts in full and strict compliance with the terms thereof and with the terms and provisions of the specifications relating thereto. The evidence further establishes that the two supplemental contracts were entered into in good faith and without fraud or collusion and that it has been the practice of the Highway Department for more than fifteen years, and in fact since it was established, to make such supplemental agreements, and that in a large number of other instances such agreements had been made and the contractors paid therefor"; and (b) that "it is further shown by the pleadings and proof in this case that the facts and circumstances were such that there was on abuse of discretion on the part of the State Highway Commission in awarding said suplemental contracts, in so far as it appears from the evidence the prices were reasonable and probably cheaper for the State than could have been acquired had the work that was done under the supplemental agreements been advertised for bids and bids received thereon"; and (c) that "in view of the particular facts and circumstances shown by the pleadings and proof in this case, the Court is of the opinion that the plaintiff is entitled to be paid the amount claimed in its petition"; and,

WHEREAS, the judgment of the Franklin Circuit Court has been appealed to the Court of Appeals upon the sole ground that the State Highway Commission did not have the legal authority to enter into such supplemental agreements

without first having advertised for and received bids for the extra or additional work provided to be done under the terms of said supplemental agreements; and,

WHEREAS, if it should be adjudged that said supplemental agreements were invalid upon said ground, such agreements could be validated only by appropriate action of the General Assembly of the Commonwealth of Kentucky; and,

WHEREAS, the Codell Construction Company's claim is just and the Commonwealth of Kentucky has received full value therefor;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky, that:

§ 1. All and singular the acts by the State Highway Commission of Kentucky and the Chairman of said Commission in executing the two supplemental agreements dated November 1, 1935, and said supplemental agreements, hereby are ratified, confirmed, validated and approved; and the claim of the Codell Construction Company for payment out of the State Road Fund of the sum of $40,967.99, with interest thereon at the rate of six (6%) per cent. per annum from July 24, 1936 until paid, hereby is ratified, confirmed and approved, and the payment thereof authorized and directed to be made in the same manner as other valid obligations or debts of the Department of Highways are paid.

§ 2. The Commissioner of Highways hereby is authorized and directed to make or cause to be made a proper certification in favor of the Codell Construction Company in the amount of $40,967.99, plus accrued interest thereon at the rate of six (6%) per cent. per annum from July 24, 1936 until paid, and is further authorized and directed to sign and approve said certification and cause the same to be delivered to the Department of Finance.

The Commissioner of Finance and the Department of Finance hereby are authorized and directed to approve said certification and deliver or cause it to be delivered to the

Auditor of Public Accounts with the proper indorsement of approval entered thereon.

The Auditor of Public Accounts hereby is authorized and directed when said certification is presented to him, issued and approved as hereinabove directed, to issue his warrant in favor of the Codell Construction Company on the State Treasurer for the amount of said certification.

The State Treasurer hereby is authorized and directed to receive said warrant when delivered to him, and to issue his check payable to the order of the Codell Construction Company, drawn on a State Depository, for the amount of said warrant.

§ 3. Whereas, the principal business of the Codell Construction Company is the construction and improvement of public highways of this State; and, whereas, the Commonwealth of Kentucky has had the benefits of the materials furnished, costs incurred, and the labor performed by the Codell Construction Company on the aforesaid contracts for approximately one year; and, whereas, the Codell Construction Company is entitled to prompt payment of said claim; an emergency hereby is declared to exist and this Resolution shall be effective immediately upon its passage and approval by the Governor.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	William K. King	Joe E. Robinson
William T. Baker	Clyde D. Lester	John C. Robinson
C. P. Bradbury	D. T. Matlack	William T. Rollo
C. C. Byrne	Peter P. Mattingly	E. A. Rose
J. F. Carr	C. C. May	Clarence Rush
Leonard Carson	Elmer McGlothen	Carl Scheben
George S. Clay	H. H. McGuire	Leon J. Shaikun
H. S. Cleveland	J. H. McKinney	Parker Sims
Herbert Cook	Alton Mitchell	Wm. St. C. Stuart
John C. Cornett	Stanley C. Moebus	A. Frank Tabb
Norman A. Curtis	John B. Mollette	Gabe B. Taylor
F. E. Daugherty	William E. Mull	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	S. J. Wagner
Raymond Eyl	Alfred A. Naff	Joe L. Wall
Chas. P. Farnsley	Homer Neikirk	Henry Ward
Ferd A. Gnau	Luster C. Oxley	L. Roger Wells
C. A. Hale	Mel Petry	R. E. West
S. T. Hamilton	Henry Plum	J. D. White
C. L. Hammons	Kleber F. Price	John M. Williams
Ira W. Hulette	Ed F. Prichard	W. G. Williams
John M. Hunnicutt	Hobart Rayburn	Lee Roy Wilson
Ben W. Johnson	Thomas Rigdon	James W. Young

—66

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, the Special Order for three-thirty o'clock, to-wit: a bill entitled:

H. B. 129. An Act providing for the regulation of the manufacture, of and traffic in alcoholic beverages; etc.

With a Committee amendment thereto by way of Substitute therefor.

(For bill see House Journal of Jan. 17)

Said Substitute is as follows, viz:

An Act providing for the regulation of the manufacture of and traffic in alcoholic beverages; requiring licenses therefor and fixing the amounts of license fees; creating Kentucky State Alcoholic Beverage Control Board, with appropriate powers for the enforcement of this Act; fixing the compensation of members of said Board and employees to be appointed by it; authorizing the issuance, revocation and suspension of licenses; imposing prohibitions, restrictions and regulations and fixing penalties for violations of this Act; empowering counties, and cities of the first, second and third classes, to have local alcoholic beverage administrators with appropriate powers to adopt and enforce restrictions and regulations of the alcoholic beverage traffic in such city or county, in conformity with this Act; to issue local licenses and fix the fees therefor, to revoke same, and to impose local regulations and penalties, not inconsistent with this Act; transferring the functions and resources of the Division of Alcoholic Control in the Department of Business Regulation to the Department of Revenue; repealing certain sections of Carroll's Kentucky Statutes, 1936 edition, and all inconsistent laws; and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

TITLE I.

SHORT TITLE; DEFINITIONS

§ 1. *Short Title.* This Act shall be known and may be

cited and referred to as the "Alcoholic Beverage Control Law."

§ 2. *Definitions.* Whenever used in this Act, unless the context requires otherwise:

(1) "Alcohol" means and includes ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process produced.

(2) "Alcoholic Beverage" or "Beverage" means and includes alcoholic spirits, liquor, rum, wine, beer, ale, porter, stout, and every liquid or solid patented or not, containing alcohol in an amount in excess of that now permitted or that may hereafter be permitted under Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, and capable of being consumed by a human being and every spurious or imitation liquor sold as, or under any name commonly used for alcoholic beverages, whether containing any alcohol or not. Provided that there is excepted from this definition of alcoholic beverages the following products if they are unfit for use for beverage purposes: (a) medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia, national formulary or the American Institute of Homeopathy; (b) patented, patent and proprietary medicines; (c) toilet, medicinal and antiseptic preparations and solutions; and (d) flavoring extracts and syrups.

(3) "Beer" or "Malt Beverage" means and includes any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute therefor, and having an alcoholic content greater than that now permitted or that may hereafter be permitted under Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof.

(4) "Board" or "State Board" or similar abbrevia-

tion used herein means the Kentucky State Alcoholic Beverage Control Board created by this Act.

(5) "Bottle" means and includes any container, irrespective of the material from which it is made, for use in the sale of alcoholic beverages at retail.

(6) "Bottling" means the placing of alcoholic beverages in any retail container irrespective of the material from which said container is made.

(7) "Brewer" means and includes any person who owns, occupies, carries on, works or conducts any brewery, either by himself or by his agent.

(8) "Brewery" means and includes any place or premises where beer is manufactured for sale; and all officers, granaries, mash rooms, cooling rooms, vaults, yards and storerooms connected therewith, or where any part of the process of the manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form a part of the brewery to which they are attached or are appurtenant.

(9) "Building containing licensed premises" means and includes the licensed premises themselves and also any part of any building in which such premises are contained, any part of any other building connected with such building by direct access or by a common entrance.

(10) "Commissioner" means the Commissioner of Revenue of the Commonwealth of Kentucky.

(11) "Convicted" and "Conviction" mean and include a finding of guilt resulting from a plea of guilty, or the decision of a court or magistrate, or the finding of a jury, irrespective of a pronouncement of judgement or the suspension thereof.

(12) "Department" means the Department of Revenue of the Commonwealth of Kentucky.

(13) "Distillers" means and includes any person engaged in the business of manufacturing distilled spirits at any distillery in the Commonwealth of Kentucky, duly registered in the office of the Collector of Internal Revenue for the United States at Louisville, Kentucky.

(14) "Distillery" means and includes any place or premises duly registered in the office of any Collector of Internal Revenue for the United States where distilled spirits are manufactured for sale, and includes any United States Government Bonded Warehouse.

(15) "Distributor" means and includes anyone, whether distributor, jobber, broker, agent or other person, whether enumerated in the Act or not, who distributes malt beverages for the purpose of being sold at retail.

(16) "Field Representative" means and includes all employees or agents of the Department of Revenue who are regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers and all employees or agents of said Department who may be assigned, temporarily or permanently, by the Commissioner to duty outside of the main office of the Department at Frankfort, in connection with the administration of this Act.

(17) "License" means and includes any license issued pursuant to this Act.

(18) "Licensee" means and includes any person to whom a license has been issued pursuant to this Act.

(19) "Liquor" means and includes all alcoholic beverages.

(20) "Manufacture" means and includes distilling, rectifying, brewing, bottling, and operating a winery.

(21) "Manufacturer" means and includes a vintner, distiller, rectifier, or brewer and any other person, whether included in the aforesaid categories or not, engaged in the production and/or bottling of alcoholic beverages.

(22) "Person" means and includes individual, partner-

ship, joint stock company, business, trust, association, corporation or other form of business enterprise, including a receiver, trustee or liquidating agent.

(23) "Premises" or "Licensed Premises" means and includes the land and building or buildings in and upon which any business regulated under this Act is operated or carried on. This shall not be construed, however, to include as a single unit two separate businesses or enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

(24) "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits, by mixing such spirits, wines or liquors with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wines, spirits, cordials, bitters or any other name.

(25) "Retail Sale" or "Sale at Retail" means and includes any sale where delivery is made in Kentucky to any person not holding a license under this Act.

(26) "Retailer" means and includes any person who sells at retail any beverage for the sale of which a license is required under the provisons of this Act.

(27) "Sale" means and includes any transfer, exchange or barter, in any manner or by any persons whatsoever for consideration, and means and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage. To sell includes to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, and includes the delivery of any alcoholic beverage in this Commonwealth.

(28) "Spirits" or "Distilled Spirits" means and includes any product capable of being consumed by a human being which contains alcohol in excess of the amount now per-

mitted or that may hereafter be permitted by Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, obtained by distilling, mixed with water or other substances in solution, except wine as herein defined.

(29) "Vintner" means and includes any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent, except persons who manufacture wine for sacramental purposes exclusively.

(30) "Warehouse" means and includes any place in which alcoholic beverages are housed or stored.

(31) "Wholesale sale" or "Sale at wholesale" means and includes a sale to any person for the purpose of resale.

(32) "Wholesaler" means and includes any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this Act, except a distiller, rectifier, brewer, or vintner.

(33) "Wine" means and includes the product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 24 per cent by volume.

(34) "Winery" means and includes any place or premises wherein wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, and also includes a winery for the manufacture of wine in any other state or country than Kentucky which has and maintains a branch factory, office or storeroom within this Commonwealth and receives wine within this Commonwealth consigned to a United States Government bonded winery, warehouse or storeroom located within this Commonwealth.

(35) Wherever the context permits it, the masculine gender includes the feminine and neuter, the singular number

includes the plural and any tense of a verb includes every other tense.

(36) All other words used in this Act shall be defined according to the Statutes in euch cases made and provided, if any, and otherwise shall be defined according to the custom and usage of the people of Kentucky.

TITLE II.

ADMINISTRATION

ARTICLE I.

DIVISION OF ALCOHOLIC CONTROL

§ 3. *Functions.* The administration of this Act and the regulation of the traffic in alcoholic beverages in this Commonwealth is hereby vested in the Department of Revenue.

§ 4. *Organization.* (a) The administration of this Act in relation to traffic in distilled spirits and wine shall be in charge of a distilled spirits unit, under the supervision of the Commissioner of Revenue. (b) The administration of this Act in relation to traffic in malt beverages shall be in charge of a malt beverage unit, under the supervision of the Commissioner of Revenue.

§ 5. *Administrators: Salaries.* The distilled spirits unit and the malt beverage unit shall each be headed by an Administrator appointed by the Commissioner of Revenue. The salaries of said Administrators shall be fixed by the Commissioner of Revenue in accordance with Section 4618-154 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition, and they shall be exempt from the test provided for in Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition.

§ 6. *Powers and Duties of Administrators.* The Administrators, subject to the supervision and control of the Commissioner, shall exercise severally and of the functions,

powers and duties conferred upon the Department by law, which the Commissioner may delegate to them. The Administrator of the distilled spirits unit shall have authority to issue or refuse to issue any license provided for in this Act authorizing traffic in distilled spirits and wine; and the Administrator of the malt beverage unit shall have authority to issue or refuse to issue any license provided for in this Act authorizing traffic in malt beverages.

§ 7. *Alcoholic Beverage Control Board; Creation; Functions; Limitations.* The Kentucky Tax Commission shall constitute the Alcoholic Beverage Control Board, which shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the conduct of its own business and the procedure relative to applications for and revocations of licenses and relative to all other matters over which the Board is given jurisdiction by this Act, and for the supervision and control of the manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages throughout the Commonwealth. Such rules and regulations need not be uniform in their application, but may vary in accordance with reasonable classifications.

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this Commonwealth or within any political subdivision thereof, and to restrict the locations of licensed premises. To this end the Board may divide and subdivide this Commonwealth or any political subdivision thereof into sections or districts, provided the classification be reasonable, and the rules and regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions or subdivisions so created.

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and in connection therewith require the production of any books or papers relative to the inquiry, regardless of

whether said witnesses are licensees. The power provided in this subsection may be delegated by the Board to any member or employee of the Department. The provisions of the Civil Code of Practice, shall, where applicable, apply to subpoenas issued pursuant to this subsection, but such subpoena shall be effective throughout the Commonwealth, and shall be enforcible by petition to a court of competent jurisdiction. The Department is hereby authorized to pay witnesses the per diems and mileage provided in section 1734 of Carroll's Kentucky Statutes, 1936 edition, for witnesses in Circuit Courts.

(4) To conduct hearings and appeals under the provisions of sections 14, 15, 42 and 44 of this Act and render decisions upon the subjects of the hearings and appeals.

(5) To suspend, revoke or cancel for cause, and after a hearing, any license issued under this Act; and

(6) To close, lock and bar, for a period not to extend beyond June 30 next following, any building or premises in or upon which a violation of this Act has taken place. If the violation was within the knowledge of the owner, or was committed or permitted in or upon property owned by a licensee under this Act, the Board shall prohibit the issuance of a license for the building or premises until the expiration of two years from the time the offense was committed.

(7) To suspend a license for any cause for which the Board is authorized to exercise its discreation as to revoking a license.

§ 8. *Employees of Department.* The Commissioner, subject to the provisions of Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition, may appoint and remove such employees and assistants as may be necessary, and shall fix their compensation within the budget appropriation therefor.

§ 9. *Powers of Members, Officers and Employees.* The Administrators and all Field Representatives shall have full police powers such as are now vested in sheriffs and other

peace officers, provided the jurisdiction of said Administrators and Field Representatives shall be coextensive with the boundaries of the Commonwealth. They shall have authority to inspect or examine any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first having obtained a search warrant; and shall have authority to confiscate any contraband property.

§ 10. *Disqualification of members and employees of Department; Penalties.* No member of the State Alcoholic Beverage Board, no State Alcoholic Beverage Administrator, or secretary thereto, and no Field Representative of the Department authorized to assist in the administration of this Act, shall have any interest either proprietary, or by means of any loan, mortgage or lien, or in any other manner in or on any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit whatsoever, direct or indirect, from any person applying for or receiving any license or permit provided for in this Act; provided, however, that no person shall be disqualified under this section solely by reason of any interest arising out of his membership in a club as defined in this Act; and provided further that no associate member of the Kentucky Tax Commission shall be deemed to be disqualified by the provisions of this section, from acting as a member of the State Alcoholic Beverage Control Board. If any person, after an opportunity to be heard by the Commissioner, shall be found to have violated any of the provisions of this section, his office or position shall thereupon automatically become vacant, and upon conviction by a court of competent jurisdiction he shall be deemed guilty of a felony and punished by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both such fine and imprisonment; and if a member of the Kentucky State Tax Commission shall be disqualified or shall fail to give the bond and take the oath required by this Act, the Governor shall

fill the vacancy by appointment for the period during which said member of the Kentucky Tax Commission remains disqualified, or fails to qualify.

§ 11. *Oath of Office and Bond.* Each member of the Board, before entering upon his duties, shall take the oath prescribed in section 228 of the Constitution, and shall execute a bond with a good and solvent corporate surety in the penal sum of $5,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of the Kentucky Statutes. The Department may require any of its employees to execute a similar bond in such penal sum as it may deem necessary, conditioned upon the proper and faithful performance of their duties and the satisfactory accounting of all monies received or disbursed by such employees. The cost of such bonds shall be borne by the Department.

§ 12. *Salaries of Board Members.* Associate members of the Kentucky Tax Commission who serve as members of the Kentucky Alcoholic Beverage Control Board and persons appointed by the Governor to fill vacancies on said Board shall receive five hundred dollars annually, in monthly installments, for their services as members of said Board.

§ 13. *Legal Counsel for Board.* The Attorney General of this Commonwealth shall, subject to the approval of the Commissioner of Revenue, appoint an additional assistant Attorney General whose sole duty shall be to act as legal counsel for the distilled spirits unit and the malt beverage unit. The assistant Attorney General appointed under this section shall be paid from the Department of Revenue appropriation, an annual salary not to exceed four thousand dollars.

ARTICLE II.

LOCAL CONTROL AUTHORITIES

§ 14. *County Alcoholic Beverage Control Administrators and Local Regulations Thereby—Provisions Concerning.* In each county in which traffic in alcoholic beverages

is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, wherein it is determined by resolution of the Fiscal Court that the regulation by the county of the traffic in alcoholic beverages therein is necessary, the county judge shall constitute a County Alcoholic Beverage Administrator for said county. He shall serve without salary save the salary to which he is entitled as county judge and he shall be disqualified to act as County Alcoholic Beverage Control Administrator by any fact that would disqualify a member of the Kentucky Tax Commission under section 10 of this Act from acting as a member of the State Alcoholic Control Board. Any person who shall act as County Administrator in violation of this provision shall be subject to the penalties provided in section 10 of this Act. If he shall be disqualified to act as County Alcoholic Beverage Control Administrator, or if any vacancy in such office shall occur for any other reason, the Judge of the Circuit Court of such county shall appoint to such position some person at least thirty years of age who, at the time of such appoinment, shall have been a citizen of this Commonwealth and a resident of that county for at least two years next preceding the date of such appointment, and who is able to qualify. Such appointee shall serve during the unexpired portion of the term or until the county judge is able and willing to qualify. Such appointee shall serve without compensation. The functions, powers and duties of each County Administrator shall be the same, with respect to local licenses and regulations, as the functions, powers and duties of State Alcoholic Beverage Control Board, with respect to State licenses and regulations, except that no rule or regulation adopted by any County Administrator may be less stringent than the provisions set up in this Act or than those set up in the rules and regulations of the State Board, and no rule or regulation of a County Administrator shall become effective until approved by the State Board. Before entering upon his duties as County Ad-

ministrator the county judge or the appointee shall take the oath prescribed in section 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of $1,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of the Kentucky Statutes. The cost of said bond shall be borne by the county. Upon the qualification of any party as County Administrator it shall be his duty to immediately so notify the State Board. If any city within any county shall appoint its own Alcohol Administrator as provided for in section 15 of this Act the County Administrator in such county shall have jurisdiction over only that portion of the county which lies without the corporate limits of such city. In no event shall any person be eligible to apply to the State Board for any state license provided for under this Act until he shall have applied to his County Administrator, if he is subject to the jurisdiction of any County Administrator, and shall have obtained approval of his application for the county license, if in said county a county license is required. Appeals from the orders of each County Administrator may be taken by any party aggrieved to the State Alcoholic Control Board by filing with the latter board within ten days a certified copy of the orders of the County Administrator, whereupon the matters at issue shall be heard as upon an original proceeding. Appeals from orders of the County Administrator in such case and the procedure upon appeals, shall be poverned by the terms and provisions of section 48 of this Act.

§ 15. *City Alcoholic Beverage Administrators and Local Regulations Thereby Permitted in Cities of the First Three Classes—Provisions Concerning.* The municipal legislative body of any city of the first, second, or third class in which traffic in alcoholic beverages is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, may, by ordinance duly enacted, create a City Al-

coholic Beverage Administrator. No person shall be a City Administrator or employe thereof who would be disqualified to be a member of the State Board under the terms of section 10 of this Act and any person who acts as a City Administrator or employee thereof in violation of this provision shall be subject to the penalties provided in said section. The City Administrator of each city of the first class shall be appointed by the Commissioner of Revenue, with the approval of the Governor, and shall be paid by the city for which he is appointed, an annual salary of not less than three thousand dollars ($3000) nor more than thirty-six hundred dollars ($3600). The City Administrator in each city of the second and third class shall be appointed by the Mayor, or by the City Manager if there be one. The functions, powers and duties of each City Administrator shall be the same, with respect to city licenses and regulations, as the functions, powers and duties of the State Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no rule or regulation adopted by any City Administrator may be less stringent than the provisions set up in this Act or than those set up in the rules and regulations of the State Board and no rule or regulation of a City Administrator shall become effective until approval by the State Board. Each City Administrator before entering upon his duties as such, shall take the oath prescribed in section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than $1,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of Carroll's Kentucky Statutes, 1936 edition. Each City Administrator may require any of his employees to execute a similar bond in such penal sum as he may deem necessary, conditioned upon the proper and faithful performance of his duties and a satisfactory accounting of all monies received and disbursed by such employee. The cost of such bonds shall be borne by the city. No person shall be eligible

to apply to the State Board for any state license provided for under this Act until he shall have applied to his City Administrator, if he is subject to the jurisdiction of a City Administrator, and shall have obtained approval of his application for the City License. Appeals from the orders of each City Administrator, may be taken by any party aggrieved to the State Alcoholic Control Board by filing with the latter Board within ten days a certified copy of the orders of the City Admistrator, whereupon the matters at issue shall be heard as upon an original proceeding. Appeals from orders of the City Administrator in such cases and the procedure upon appeals, shall be governed by the terms and provisions of section 48 of this Act.

Title III.

LICENSES AND LICENSE TAXES

Article I.

Local Licenses

§ 16. *County Licenses and Taxes; Provisions Concerning.* The fiscal court of each county in this Commonwealth in which traffic in alcoholic beverages is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in alcoholic beverages. It shall be the duty of the county clerk immediately to notify the State Board of the amount of the taxes fixed. Only such licenses may be issued as correspond, in their provisions and the business authorized, to Retail Package Licenses, Retail Drink Licenses, and Beer Retailer's Licenses as provided in this Act. The license fees or taxes imposed shall in no event exceed twice the amount of the fees or taxes imposed in sections 18 and 96 of this Act and any amount paid to any incorporated city within the county as a license tax for the same privilege for the same year may be credited against the

county license tax. The licenses authorized by this section shall be issued and the taxes collected by the county clerk who may charge a fee of fifty cents for his services for each license issued. The county clerk shall report and pay to the county treasurer at the end of each month such taxes as he has collected. No license shall be issued without the approval of the County Administrator if there be one in the county. The licenses shall be issued in such form as may be prescribed by the County Administrator, if there be one in the county or by the State Control Board if there be no County Administrator.

§ 17. *City Licenses and Taxes; Provisions Concerning.* The city council, board of aldermen, or other municipal legislative body of each incorporated city in this Commonwealth in which traffic in alcoholic beverages is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in alcoholic beverages. It shall be the duty of the city clerk immediately to notify the State Alcoholic Beverage Control Board of the amount of the taxes fixed. Only such licenses may be issued as correspond in their provisions and the business authorized, to the licenses provided for in the first six subsections of section 18 and subsections one, two, three and six of section 96 of this Act. The license fees or taxes imposed shall in no event exceed twice the amount of fees or taxes imposed in sections 18 and 96 of this Act except that the fee or tax imposed upon beer retailers may be fixed at any sum not exceeding two hundred (200) dollars. The licenses authorized by this section shall be issued and the taxes collected by such appropriate municipal official as may be designated by ordinance, and he shall report and pay to the city treasurer at the end of each month such taxes as he has collected. No license shall be issued by the clerk without the approval of the City Administrator, if there be one in the city. The licenses shall be

issued in such form as may be prescribed by the City Administrator, if there be one in the city, or by the State Control Board if there be no City Administrator.

ARTICLE II.

KINDS OF STATE LICENSES AND TAXES FOR DISTILLED SPIRITS AND WINES

§ 18. *Expiration Date of Licenses; License Taxes.* All licenses issued under this Act shall expire on June 30th of each year. There shall be the following kinds of licenses, each of which shall be printed so as to be readily distinguishable from each other, to wit:

(1) Distiller's license, the fee for which shall be $1,000 per annum, provided in the case of an applicant who performs none of the functions of a distiller except to bottle distilled spirits, the fee shall be $500 per annum.

(2) Rectifier's license, the fee for which shall be $1,500 per annum.

Vintner's License, the fee for which shall be $500 per annum.

(4) License to sell distilled spirits and wine at wholesale, the fee for which shall be $1,000 per annum.

(5) License to sell distilled spirits and wine at retail by the package for consumption off the premises, the fee for which, according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—$500 (Five hundred dollars).

In counties containing cities of the second class—$400 (Four hundred dollars).

In counties containing cities of the third class—$300 (Three hundred dollars).

In counties containing cities of the fourth class—$200 (Two hundred dollars).

In all other counties—$100 (One hundred dollars).

(6) License to sell distilled spirits and wine at retail by the glass, for consumption on the premises, the fee for which, according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—$700 (Seven hundred dollars).

In counties containing cities of the second class—$400 (Four hundred dollars).

In counties containing cities of the third class—$300 (Three hundred dollars).

(7) License to transport distilled spirits and wine to or from any point in Kentucky, the fee for which shall be $10 per annum.

(8) License to sell distilled spirits and wine by the package or by the glass upon railroad dining cars, the fee for which shall be $50 per anunm.

(9) Special licenses as provided for in section 29 of this Act, the fee for which shall be $2.00 per annum except as in this Act otherwise specifically provided.

§ 18½. *Licenses for Railroad Systems.* The Department of Revenue is hereby authorized to issue a Railroad System License to any railroad company upon the payment of a license tax of $1,000.00. Notwithstanding the provisions of sections 2554c-1 to 2554c-42, inclusive, of Carroll's Kentucky Statutes, 1936 edition, such a license shall authorize the sale of alcoholic beverages at retail by the drink or by the package upon any train operated by it in the Commonwealth of Kentucky, which includes a dining car; provided sales are made only while said train is in motion. The payment of the license tax provided in this section shall be accepted in lieu of all license and excise taxes due by the holder in connection with the retailing of alcoholic beverages.

Notwithstanding the provisions of this Act or of sections 4281c-1 to 4281c-25, inclusive, of Carroll's Kentucky Statutes, 1936 edition, holders of licenses provided under this section shall be permitted to retail alcoholic beverages in unbroken

packages smaller than one-half pints and shall be permitted to purchase alcoholic beverages from non-residents.

§ 19. *Credit on State Retail Licenses.* On alcoholic beverage licenses issued by the State for any license period beginning on or after July 1, 1939, there shall be credited on the license tax one-half of any amount required to be paid to any county or to any incorporated city for the same privilege for the same year, provided the amount of the tax for the State license shall in no event be reduced more than fifty per cent.

§ 20. *Abatement of Taxes for Licenses for Fractional Part of Fiscal Year.* When any person shall apply for any license, authorized to be issued under this Act, after July 1st of any year, he shall be charged, if such license be granted, an amount equal to as many twelfths of the annual license tax as there are calendar months (including the month in which the license is granted) until the following July 1st, except that no license shall be issued for a shorter period than six months. No abatement of license taxes shall be permitted or granted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under said license during the last month of the preceding license period.

ARTICLE III.

TRAFFIC AUTHORIZED BY VARIOUS LICENSES.

§ 21. *Business Authorized Under Distiller's, Rectifier's or Vintner's License, Respectively.* A distiller's, rectifier's or Vintner's license, as the case may be, shall authorize the holder thereof, at the premises specifically designated in the license, to engage in the business of distiller, rectifier, or vintner, as the case may be, as those terms are defined in this Act, and to transport for himself only any alcoholic beverage which he is authorized under this license to manufacture or sell, provided that he so transports such beverages by a truck,

wagon, or other vehicle owned and operated by himself, and which shall have affixed to its sides at all times a sign of such form and size as may be prescribed by the State Board, containing among other things the name and license number of the holder of such license, and further provided that no distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

§ 22. *Transactions Permitted and Prohibited to Distillers, Rectifiers, and Vintners.* Sales and deliveries of alcoholic beverages may be made at wholesale, and from the licensed premises only, (1) by distillers to licensed rectifiers, licensed vintners, holders of special non-beverage alcohol licenses so far as they are authorized to make the purchases, or other licensed distillers; by rectifiers to licensed vintners; by vintners to licensed rectifiers or other licensed vintners, or to the holders of special non-beverage alcohol licenses; or (2) by distillers, rectifiers or vintners to licensed wholesalers; or (3) by licensed distillers, rectifiers or vintners for export out of the Commonwealth; provided, no distiller, rectifier or vintner, shall sell or contract to sell, give away or deliver any alcoholic beverages to any person, who is not duly authorized by the law of the State of his residence and of the Federal Government if located in the United States, to receive and possess said alcoholic beverages; and in no event shall he sell or contract to sell, give away or deliver, any of his products to any retailer or consumer in Kentucky.

Distillers may purchase distilled spirits only from other licensed distillers in this Commonwealth or in another state, territory or province.

Rectifiers may purchase distilled spirits or wine only from distillers or vintners licensed under this Act; or from non-residents duly authorized by the law of the State of their residence and by the Federal Government, if located in the United States, to make the sales.

Vintners may purchase distilled spirits or wine only from distillers or vintners licensed under this Act or from non-

residents duly authorized by law of the State of their residence and by the Federal Government, if located in the United States, to make the sales.

§ 23. *Business Authorized Under a Wholesaler's License.* A wholesaler's license shall authorize the holder thereof to purchase, receive, store, and possess distilled spirits and wine; to sell same at wholesale, from the licensed premises only; and to transport from his licensed premises for himself only any alcoholic beverages which he is authorized under his license to sell, provided that he so transport such beverages in the manner provided for manufacturers in section 21 of this Act provided further, that he is to be permitted to transport distilled spirits and/or wine from a manufacturer's warehouse to his licensed premises, if consumer's spirits stamps have been properly affixed to the spirits or wine which he so transports, and that no wholesaler shall transport distilled spirits or wine in interstate commerce.

§ 24. *Transactions Permitted and Prohibited to Wholesalers.* A wholesaler may sell, deliver and transport distilled spirits and wine at wholesale, and from the licensed premises only, to:

(1) Other licensed wholesalers.

(2) Licensed retailers.

(3) For export out of the Commonwealth to parties duly authorized by the law of the State and their residence, and by the Federal Government, if located in the United States, to receive same, provided distilled spirits and wine so exported shall be shipped only by common carrier.

No wholesaler shall sell or contract to sell, give away or deliver any distilled spirits or wine to any person in Kentucky who is not duly licensed under this Act to receive, possess, distribute or sell same, and in no event shall he sell or contract to sell, give away or deliver any distilled spirits or wine to any consumer. Provided, this section in no event shall be construed to permit sales or deliveries of distilled spirits

in Kentucky by licensed wholesalers to unlicensed nonresidents.

Wholesalers may purchase and receive distilled spirits and wine at wholesale from distillers, rectifiers, vintners or other wholesalers licensed under this Act, or from nonresidents duly authorized by the law of the State of their residence, and by the Federal Government if located in the United States, to make the sales. Holders of Wholesale Licenses are hereby prohibited from transporting distilled spirits or wine from any point to their own licensed premises, except as provided in section 89.

§ 25. *Business Authorized Under a Retail Package License.* A Retail Package License shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only and only for consumption off the licensed premises. The holder of such a license shall purchase distilled spirits and wine in retail packages only and only from wholesalers licensed under this Act. Such Retailers may sell only to consumers and may make deliveries only at the premises designated in their licenses.

§ 26. *Business Authorized Under Retail Drink License.* A Retail Drink License shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine at retail by the glass for consumption on the licensed premises. The holder of such a license shall purchase distilled spirits and wine only from wholesalers licensed under this Act and shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces, except mixed drinks may be bought in containers of a capacity not smaller than twelve ounces, if such mixed drinks contain a substantial proportion of carbonated water. Holders of Retail Drink Licenses are hereby prohibited from selling distilled spirits or wine by the package for consumption off the premises.

§ 27. *Business Authorized Under a Transporter's License.* A Transporter's License shall authorize the holder

to transport distilled spirits and wine to or from the licensed premises of any licensee under this Act, provided both the consignor and consignee in each case are authorized by the law of the states of their residence, respectively, to sell, purchase, ship, or receive the alcoholic beverages, as the case may be.

§ 28. *Business Authorized Under Dining Car License.* A Special Dining Car License may be issued to any railroad or Pullman Car company which shall authorize the holder to exercise only on a particular dining car designated in the license, the privileges of a Retail Drink licensee as set out in section 26 of this Act, subject to the same restrictions provided in the case of a Retail Drink licensee.

§ 29. *Kinds of Special Licenses.* The following kinds of licenses may be issued by the Distilled Spirits Administrator for carrying on the activities enumerated in the next section with respect to distilled spirits and wine: Namely,

(1) Special Non-Beverage Alcohol Vendor's Licenses.

(2) Special Industrial Alcohol License.

(3) Special Non-Industrial Alcohol License.

(4) Special Agent's or Solicitor's License.

(5) Special Storage or Warehouse License, the fee for which shall be $50.00 per annum.

(6) Special Temporary License.

(7) Special Private Club License, the fee for which shall be $150.00.

(8) Such other Special License as the State Alcoholic Beverage Control Board may find necessary for the administration of this Act and for the proper regulation and control of the traffic in distilled spirits, and may provide for by regulation duly adopted. In fixing the amount of such license taxes as are required to be fixed by the State Board, it shall have regard for the value of the privilege granted and fix the amount of the tax in keeping with the policy expressed in sections 18 and this Act.

§ 30. *Business Authorized Under Special Licenses; Exemption from Consumer's Tax; Sales in Local Option Territory.* Upon a proper application the Distilled Spirits Administrator may issue:

(1) A special Non-Beverage Alcohol Vendor's License which shall authorize the holder to purchase, import, possess, store and sell alcohol only to holders of Special Industrial Alcohol Licenses or Special Non-Industrial Alcohol Licenses, or for export out of the Commonwealth for non-beverage purposes. Nothing in this Act shall be construed to prevent the Administrator from issuing a Special Non-Beverage Alcohol Vendor's License to a non-resident.

(2) A special Industrial Alcohol License which shall authorize the holder to purchase alcohol only from the holder of a Distiller's License or special Non-Beverage Alcohol Vendor's License and possess alcohol for use in the manufacture and sale of any of the following products, when they are unfit for beverage purposes, namely:

(a) Denatured alcohol produced, used, and sold pursuant to Acts of Congress and regulations promulgated thereunder.

(b) Patent, Proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations.

(c) Flavoring extracts, syrups and food products.

(d) Scientific, chemical, mechanical, and industrial products.

(3) A Special Non-Industrial Alcohol License to any duly authorized and bona fide hospital, museum, laboratory, charitable, educational or similar public or private institution, or to a drug store employing a licensed pharmacist, or to a licensed physician, which license shall entitle the holder to import alcohol or to purchase alcohol in Kentucky only from the holder of a Special Non-Beverage Alcohol Vendor's License and to use same only for non-beverage purposes.

(4) A Special Agent's or Solicitor's License to a duly authorized representative, employee or agent of, or solicitor

for a distiller, rectifier, vintner or wholesaler, who has been duly licensed under this Act, or who is a non-resident of this Commonwealth and duly licensed by the State of residence and by the United States if a resident therein. Such license shall authorize the holder to offer for sale and to solicit orders for the sale of any alcoholic beverage sold by a distiller, rectifier, vintner or wholesaler who has been duly licensed under this Act or who is a non-resident of this Commonwealth and shall set forth the name, address and, unless it be a non-resident of this Commonwealth, the license number of the vendor or vendors whom the agent or solicitor represents, as well as the name, address and license number of such agent or solicitor. Such agent or solicitor shall not represent any vendor or licensee whose name does not appear upon such license.

(5) A Special Warehouse License to parties not otherwise entitled under this Act to store or warehouse distilled spirits or wine, but who are so authorized by the Federal Govrnment and who are required to keep as a part of their permanent records United States Treasury Department Forms 52A and 52B, which license shall authorize the licensee to operate a warehouse or place of storage for distilled spirits or wine on the premises specifically designated.

(6) A Special Temporary License to any regularly organzied fair, exposition, racing association, or other party, when in the opinion of the State Board a necessity therefor exists, which license shall authorize the licensee to exercise the privileges of Retail Drink Licensee at the designated premises for a certain specified and limited time, not in any event longer than thirty days. All restrictions and prohibitions applying to a Retail Drink Licensee shall apply also to a Special Temporary Licensee. The fee for such license shall be one-sixth of the taxes for a full year's license for each month or part of a month for which the Special Temporary License is issued.

(7) A Special Private Club License to any non-profit

social, fraternal, military or political organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. Such license shall authorize the licensee to exercise the privilege of Retail Drink Licensee at the designated premises, provided the general public is excluded. All restrictions and prohibitions applying to a Retail Drink Licensee shall apply to a Special Private Club Licensee.

(8) Notwithstanding the provisions of Chapter I of Acts of the General Assembly at the Third Extraordinary Session, 1936, being sections 4281c-1 to 4281c-24, inclusive, of Carroll's Kentucky Statutes, 1936 edition, all distilled spirits and wine purchased by holders of the Special Licenses provided for in sub-sections two and three of this section and purchased and used in the manner authorized by said Special Licenses, shall be exempt from consumer's tax of $1.04 per gallon on distilled spirits and 25c per gallon on wine.

(9) No provisions contained in sections 2554c-1 to 2554c-42, inclusive, of Carroll's Kentucky Statutes, 1936 edition, shall be construed to prevent the issuance of the Special License provided in sub-sections two and three of this section to persons located in local option territory or to prevent said persons from exercising the privileges granted in said license.

ARTICLE IV.

LICENSES: WHO MAY RECEIVE AND HOW OBTAINED.

§ 31. *Inconsistent Licenses Not to be Held.* The licenses listed in section 18 and the special licenses listed in section 29 of this Act shall be considered inconsistent with every other, and any person holding a license of any of the kinds above referred to shall be ineligible to apply for and is hereby prohibited from holding a license of another kind; except nothing in this section shall be construed to prevent the holder of a Retail Package License from holding also either a Retail Drink License or a Special Non-Industrial Alcohol License,

or to prevent the holder of a Transporters License from holding also a Special Storage or Warehouse License, or to prevent the holder of a Wholesalers License from holding also a Special Non-Beverage Alcohol Vendor's License or a to prevent the holder of a Distiller's License from holding a Rectifier's License, or to prevent any person from holding two or more licenses of the same kind.

§ 31½. *Licenses Prohibited in Certain Localities.* Licenses to sell distilled spirits and wine by the package for consumption off the premises may be issued only for premises located within incorporated cities, or in counties containing a city of the first, second or third class, provided said counties maintain an adequate county police force under the provisions of sections 3780 to 3786, inclusive, of Carroll's Kentucky Statutes, 1936 edition. Licenses to sell distilled spirits or wine by the drink may be issued for any premise for which a package license could be issued, except incorporated cities of the fourth, fifth or sixth class.

§ 32. *Corporate Entity Disregarded.* In all cases in which the provisions of this Act prohibit the holder of one kind of license from applying for or holding any other kind of license, an applicant shall not be permitted to evade the prohibition against applying for or holding licenses of two kinds by applying for a second license under the cloak of a separate Corporate entity. The Administrator is hereby authorized to examine into the ownership and management of corporations which apply for licenses or which hold licenses, and shall deny the application for a license to any party substantially interested in another incompatible license.

§ 33. *Applications for Licenses: Issuance of Same.* Applications for any license provided for in section 18 of this Act shall be made to the Administrator of the Distilled Spirits Unit at his office in Frankfort, Kentucky; shall be in writing on forms furnished by the Department of Revenue, and verified; and shall set forth in detail such information concern-

ing the applicant and the premises for which the license is sought as this Act or the State Board shall by regulation require. Said application shall be accompanied by a certified check, or cash, or a postal or express money order for the amount of money required by this Act for a license of the kind applied for. If the Administrator shall grant the application he shall issue the proper license in such form as shall be determined by the State Board of regulation, subject to the provisions of section 38 of this Act. No license except those provided in sub-sections 6 and 8 of section 29 of this Act shall be issued in less than twenty days or delivered in less than thirty days from the time the application and remittance were received by the Department of Revenue.

§ 34. *Deposit and Refund of Taxes.* Any remittance made to the Department of Revenue in payment of a license tax shall immediately be deposited in State Treasury and credited to the General Expenditure Fund. In the event that the payment was erroneously made or that the Administrator refuses to issue the license the Department of Revenue if at the expiration of ten days no appeal has been filed under section 42 of this Act, shall authorize the refund of the amount paid or the amount erroneously paid. An amount sufficient to cover all refunds above referred to is hereby appropriated for each fiscal year hereafter, to be paid out of the General Expenditure Fund in the same manner that other obligations of the Commonwealth are paid. No further appropriation shall be required to authorize the refunds above referred to and same shall be made whether the payments were voluntary or involuntary, were made under protest or not.

§ 35. *Notice of Intention to Apply for License.* Every person before applying for any license under section 18 of this Act shall advertise his intention so to apply by inserting in a newspaper of general circulation in the county in which are located the premises for which the license is sought (if there be any such newspaper in the county and if there be no

newspaper of general circulation in the county then in the closest adjacent city which has such a newspaper) at least once a week for two consecutive weeks next before such application is filed, a concise advertisement stating the name and address of the applicant if he be an individual, the names and addresses of the members of partnership if the applicant be a partnership, as well as the name of the business and its address, or, if the applicant be a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself; the location of the premises for which the license is sought, and the type of license to be applied for. The applicant shall attach to the application a newspaper clipping of such advertisement and a proof of such publication, substantially in the following form, to-wit:

"State of Kentucky,

County of.....ss.:

..... of ..... being first duly sworn, says that he is ..... of the publisher of the ....., a newspaper printed and published in the State of ....., County of ....., and having a general circulation in the County of ....., and that the advertisement of which the annexed is a true copy has been published in said newspaper on the following dates, viz:

.....

(Line for signature)

Subscribed and sworn to before me, a Notary Public within and for the State and County aforesaid, by ..... to me personally known, this ..... day of ..... My commission expires the ..... day of .....

....., Notary Public.....

County ....."

§ 36. *Sworn Information to be Contained in Applica-*

tions, Revocation for False Statement. In addition to such other information as the Alcoholic Beverage Board may by its rules and regulations require, every application for a license under this Act shall contain the following information, given under oath:

(1) The name, age, address and residence of each applicant, and if there be more than one and they be partners, the partnership name and address, and the names, ages and addresses of the several persons so applying, and the facts as to his or their citizenship.

(2) The name and address of each person interested or to become interested in the Business for which the license is sought, together with the nature of such interest; and if such applicant be a corporation, the names, addresses and ages of each officer, director and managerial employee and the facts as to their citizenship, and the State under the laws of which such corporate applicant is incorporated, provided the Department is hereby authorized to require the names of all the stockholders.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise such apt description as will reasonably indicate the location thereof. The applicant shall also state the nature of his interest in the premises; and the name, age and address of any other person, either as principal or associate interested with the applicant either in the premises or in the business to be licensed, and the facts as to his or their citizenship.

(4) A statement that neither such applicant nor any of the other persons referred to in this section has been convicted of a felony or of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of or traffic in intoxicating liquors; that he has not, or that they have not, had any license issued to him or to any of them under this Act or any prior alcoholic beverage act revoked for cause within two years prior to the date of such application, or been

convicted of a violation of any of the provisions of this Act within such period.

(5) A statement that the applicant will in all respects and in good faith conscientiously abide by all the provisions of this Act and of any other Act or ordinance relating to alcoholic beverages which may be in force in the location at which the applicant seeks to do business, as well as all rules and regulations of the State Alcoholic Beverage Board and, if the applicant seeks to do business in a locality where local regulations are in effect, all rules and regulations of the local alcoholic beverage control authority.

(6) If there be any change after the granting of a license in any of the facts required to be set forth in such application, a supplemental statement in writing giving notice of such change, duly verified, shall be filed with the Alcoholic Beverage Board within ten days after such change. Failure so to do shall, if willful and deliberate, make mandatory the revocation of the license. In giving any notice, or taking any action in reference to a license, the Alcoholic Beverage Board may rely upon the information furnished in the application or in the supplemental statement connected therewith, and such information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in such application or supplemental statement shall be deemed material in any prosecution for perjury.

(7) Any false material statement contained in an application shall be ground for refusal to issue a license, or if the falsity of the statement be not discovered until after a license has been issued, revocation of such license shall be mandatory.

§ 37. *Bond to Accompany Each Application.* Every applicant for a license under section 18 of this Act shall accompany his application with a bond to the Commonwealth of Kentucky in such penal sum as may be prescribed by the rules and regulations of the State Alcoholic Beverage Board,

with a corporate surety approved by the Division of Insurance of the Department of Business Regulation of the Commonwealth of Kentucky as to solvency and responsibility and authorized to transact business within this Commonwealth, conditioned that such applicant, if granted the license sought, will not suffer or permit any violation of the provisions of this Act and that all fines and penalties which shall accrue during the time that the license shall be in effect will be paid, together with all costs taxed or allowed in any proceeding brought or instituted for a violation of any of the provisions of this Act.

Every applicant for a wholesaler's license shall in addition to the bond above referred to, accompany his application with a bond to the Commonwealth of Kentucky, in the minimum amount of $2,000, or an amount equal to three times the monthly tax liability, whichever shall be less, and up to a maximum amount sufficient in the opinion of the Department, the financial reputation and rating of the applicant considered, not in any event to exceed $25,000, to insure payment to the State of Kentucky of the amount of tax and penalties and interest for which the dealer may become liable, on a form to be approved by the Department and with surety thereon approved by the Department and upon which such applicant shall be the principal obligor and the State of Kentucky shall be the obligee, conditioned upon the prompt payment by the wholesaler to the Department of any and all taxes which are now or might hereafter be levied or imposed by the State of Kentucky, together with all penalties and/or interest thereon. In the event the surety or sureties on this bond shall become unsatisfactory in the opinion of the Department, the Department may require the wholesaler to file a new bond with satisfactory surety in the same amount, failing which the Department shall forthwith revoke the license of said wholesaler. In the event that upon hearing, of which the licensee shall be given five days notice in writing, the De-

partment shall decide that the amount of the existing bond is insufficient then said licensee shall forthwith, upon written demand of the Department, file an additional bond in the same amount, manner and form and with a surety approved by the Department, failing which the wholesaler's license shall immediately be revoked. Any surety on any bond furnished by any wholesaler as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty days from the date upon which the surety shall have filed with the Department written request to be released and discharged. Provided, however, that such a request shall not operate to relieve, release and discharge such surety from any liability already accrued, or shall accrue before the expiration of said sixty day period.

A suit to recover on any of the bonds mentioned in this section may be brought in the Franklin Circuit Court or in the Circuit Court of the county in which the licensed premises are located, in the name of the Commonwealth of Kentucky, by the Commissioner of Revenue or on relation of any party aggrieved, and in the event that the obligor named in such bond has violated any of the conditions of such bond, recovery of the penal sum of such bond may be had in favor of the Commonwealth of Kentucky or of the party aggrieved or judgment for tax, penalties and interest may be rendered in favor of the Commonwealth of Kentucky.

§ 38. *Form of Licenses.* All licenses issued under this Act shall be in such form as may be prescribed by the rules and regulations of the Alcoholic Beverage Board not inconsistent with the provisions of this Act, and they shall contain:

(1) Name and address of the person to whom the license is issued.

(2) The number of the license.

(3) The type of the license.

(4) A description by street and number, or otherwise, of the licensed premises.

(5) The name and address of the owner of the building in which the licensed premises are located.

(6) The expiration date of such license.

(7) A statement in substance that such license shall not be, or be deemed, a property or vested right, and that it may be revoked at any time pursuant to law.

§ 39. *Statement of Cause of Revocation to be Furnished Licensees.* There shall be printed and furnished by the Department of Revenue to each licensee under this Act a statement of the cause for which licenses may be revoked. Such statement shall be prepared by the Distilled Spirits Administrator or the Malt Beverage Administrator and delivered to the licensee with his license, or as soon thereafter as may be practical, and said Administrator shall take from said licensee a signed receipt stating that he has received and read said statement. Any changes in or additions to the causes for which licenses may be revoked shall also be sent by the Distilled Spirits Administrator or the Malt Beverage Administrator to each licensee at his address as it appears in his application or the last amendment thereto, as soon as may be practical after such changes in or additions to the cause for which licenses may be revoked become effective. Failure to furnish such statement or to send such notice of changes therein, or the failure of the licensee to receive or read same, or any error contained in such statement or notice of changes therein shall not, however, be an excuse or justification for any violation of law, or prevent, remit or decrease any penalty therefor.

§ 40. *License to be Framed, Posted and Not Defaced; Lost or Destroyed Licenses.* Before commencing or doing any business for the time for which a license under section 18 of this Act has been granted said license shall be enclosed in a suitable wood or metal frame enclosing a clear glass space

so that the whole of said license may be seen therein, and shall be posted and at all times displayed in a conspicuous place in the room or principal room where such business is carried on, so that all persons visiting such place may readily see the license. It shall be unlawful for any person holding a license to post such a license, or to permit it to be posed, upon premises other than the premises licensed, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees, a duplicate license in lieu thereof shall be issued by the Distilled Spirits Administrator upon submission of satisfactory proof and payment of a fee of $5.00.

§ 41. *Cause for Refusal of License.* Any license authorized to be issued under this Act must be refused if the applicant therefor or the premises for which same is sought do not comply fully with all the terms and provisions of this Act, and with the rules and regulations of the Alcoholic Beverage Board, or of any ordinance relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages, or of any rules and regulations of any City Administration or County Administrator created or authorized to be created by this Act, or if the applicant shall have done any act for which a revocation of license would be authorized under this Act; and if the applicant seeks to do business in a City or County wherein a City Administrator or County Administrator shall have required a local permit or license for the sale, manufacture or transportation of alcoholic beverages, then any application to the State Alcoholic Beverage Board for a license authorized to be issued by it under this Act must be refused if the applicant shall not first have procured approval of application for a local permit or license; and in any event, any license authorized to be issued under

this Act may be refused for any reason which the Administrator in the exercise of his sound discretion, may deem sufficient.

§ 42. *Rejection of Application, Request for Hearing.* Every applicant for a license authorized to be issued under this Act, if he so desired, shall be entitled to a hearing by the State Alcoholic Beverage Board, or such persons as it may select or designate, before the Administrator rejects his application. If said Administrator determines to reject the application he shall notify the applicant of the fact by mailing a registered letter to him directed to the address given in his application or in the last statement filed supplementary thereto. If within ten days after the date of the mailing of such notice of intended rejection the applicant indicates in writing his desire to be present and heard, his application shall not finally be passed upon until the Board shall have fixed a day for such hearing.

ARTICLE V.

REVOCATION AND SUSPENSION OF LICENSES.

§ 43. *Causes for Revocation.* Any license issued under this Act may be rovoked by the State Board if the licensee shall have violated any of the provisions of this Act or of sections 4214a-12 to 23 inclusive, 4281c-1 to 25 inclusive, 2554b-1 to 79 inclusive or 2554-1 to 8 inclusive of Carroll's Kentucky Statutes, 1936 edition, or any rule or regulation of the Department of Revenue or the Division of Alcoholic Control of the Department of Business Regulation in effect before the passage of this Act or now in effect, relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if any such licensee shall violate any of the rules and regulations of the State Alcoholic Beverage Board or if such licensee shall have violated or shall violate any act of Congress or any rules or regluation of any Federal board, agency or commission, or any ordinance now, heretofore, or hereafter in effect relating to the regulation of

the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of any local Alcoholic Beverage authority or any similar body heretofore in existence or authorized by the terms of this Act to be created, or if any clerk, agent, servant, or employee of any licensee shall violate any of the laws, regulations ordinances above referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked for any cause which the Alcoholic Beverage Board, in the Exercise of its sound discretion, deems sufficient. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known. Any license issued under this Act must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statement in an application for a license.

(3) Transferring assigning, pledging, depositing or hypothecating a license, or paying for the license of another or permitting another to pay for one's own license.

(4) Violation of the provisions of section 62 and section 67 of this Act shall cause a forfeiture of the licenses issued under section 18 of this Act to all parties participating or concerned in the violation.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or any person for resale who is not licensed at the time.

(6) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employees for any violation of the terms and provisions of this Act or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverage

or if, within such period, any license or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(7) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any Statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(8) Revocation of any license or permit provided in sections 16 and 17 of this Act or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

§ 44. *Procedure Relative to Revocations.* The Distilled Spirits Administrator or the Malt Beverage Administrator or such person as he may select or designate may, on his own initiative, or on complaint of any person, institute proceedings to revoke any license issued under this Act. Such revocation shall not be had except upon five days notice to the licensee and an opportunity by him to be heard. All such hearings shall be before the State Board or such person as it may select or designate, and shall be conducted in accordance with the provisions of section 48 of this Act.

§ 45. *Surrender of Revoked License; Notice to Police Officials.* Within three days after any order of revocation of a license issued pursuant to this Act shall have become final, notice of such revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to such application shall be deemed sufficient compliance with the provision contained in this section relative to notice. Such licensee shall thereupon

at once surrender his license to the State Alcoholic Beverage Board. If the license revoked be for premises located in any city having a police force of its own, said Board, immediately upon mailing said notice of the revocation of the license shall mail to the chief official of the police department of such city a written notice stating the fact of the revocation, the name of the licensee whose license was revoked, the address of the premises theretofore licensed under such revoked license, and the date of the revocation. If the license revoked be for premises not located in any city having a police force of its own, said Board shall in like manner and at like time mail a similar notice to the sheriff of the county in which said premises are located. If the revoked license be not forthwith surrendered by the licensee it shall be the duty of such police official, or sheriff, as the case may be, at the request of said Board, immediately to cause one of his officers to take physical possession of such license and return same to said Board.

§ 46. *Revocations: Disposition of Stock.* When a license issued under this Act shall have been revoked the former licensee shall have the right, under the supervision of the Administrator to dispose of and transfer his stock of alcoholic beverages to a party or parties who hold licenses under this Act, provided such disposition of stock on hand shall not be delayed longer than ninety days in the case of distillers, rectifiers, or vintners, nor longer than thirty days in the case of wholesalers or distributors, nor longer than twenty days in the case of retailers. Transfers in such cases shall be exceptions to provisions as to the rights of licensees to make purchases, as set out in sections 21, 23, 26, and 28 of this Act.

§ 47. *Suspension of Licenses.* Upon proceedings for the revocation of any license under section 44 of this Act the State Control Board may in its discretion order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of section

43; except a suspension shall be ordered only in case of a first offense and shall in no case extend longer than sixty days. Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in sections 48 and 49 of this Act.

§ 48. *Conduct of Hearing by State Board.* Hearings upon appeals from orders of a County Administrator under section 14, or from order of a City Administrator under section 15, or from a decision of an Administrator under section 42, or upon proceedings for revocation or suspension under section 44 or 47 of this Act shall be held by the State Control Board or by a referee designated by said Board. The Board or the referee shall control the introduction of evidence, and shall hear all arguments of the parties or their counsel as it or he deems necessary or appropriate. The procedure on hearings provided for in this section shall be summary, and in accordance with the rules and regulations of the State Control Board. A record of the orders appealed from or the charges filed, of the evidence heard and of all steps taken, shall be kept by the Board. In case a referee is appointed to hold hearings, decisions shall be made and orders entered neverthless only upon vote of a majority of the Board.

§ 49. *Judicial Review of Order of Board; Parties and Procedure; Costs.* Any order of the Alcoholic Beverage Board refusing a license or revoking or suspending a license may be appealed from by the applicant or licensee, as the case may be, and any order of said Board granting a license or refusing to revoke or suspend a license may be appealed from by any citizen feeling himself aggrieved. The party aggrieved may, within ten days after the entry of the order with which he is dissatisfied, file in the office of the Clerk of the Franklin Circuit Court an attested copy of the order, of all the evidence heard, and of all the steps taken by the said Board relative to the order being contested, provided he shall first post a bond to secure the costs of that action in such sum as may be

approved by the Circuit Clerk, with a corporate surety approved by the Division of Insurance of the Department of Business Regulation as to solvency and responsibility and authorized to transact business in this Commonwealth. The State Board and the licensee or applicant shall be necessary parties to all such appeals. The Circuit Court Clerk shall thereupon docket the case as though it were a petition in equity, and shall immediately issue a summons for said State Board, if the appeal be taken by an applicant or licensee, or a summons for said State Board and the licensee if the appeal be prosecuted by a citizen. Such summons shall be returnable in the same manner as are summonses in equity cases. If the appeal be from an order refusing to grant a license or revoking or suspending a license, it shall be the duty of the State Board, when served with such summons, or of such person as it may designate, to appear and defend the action of the State Alcoholic Beverage Board in refusing to grant or in revoking the license in question. If the appeal be from an order granting a license or refusing to revoke or suspend a license the burden of appearing and defending the action of said Board shall be upon the licensee.

No formal pleading shall be required in such appeals, but the case shall be set down by the court for as early a day as possible for a hearing, and such appeals shall in all respects be expedited as are declaratory judgment suits; after such hearing the court shall enter a judgment sustaining or setting aside the order of the State Alcoholic Beverage Control Board appealed from. No new or addition evidence may be introduced in the Circuit Court except as to the fraud or misconduct of some party engaged in the administration of this Act and affecting the order appealed from, but the Circuit Court shall otherwise hear the case upon the record as attested by the Board, and shall in all respects dispose of the appeal in a summary manner, its review being limited to determining whether or not:

(1) The Board acted without or in excess of its powers.

(2) The order appealed from was procured by fraud.

(3) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

Any party aggrieved by a judgment of the Circuit Court may appeal to the Court of Appeals in the same manner that appeals are taken under the declaratory judgment act.

If the appeal be from an order refusing to grant a license, or revoking or suspending a license, the costs shall be taxed against the applicant or licensee in any event. If the appeal be from an order granting a license or refusing to revoke or suspend a license, the costs shall be taxed against the citizen who, feeling himself aggrieved, has contested the order, in the event that the order of the Board granting the license or refusing to revoke or suspend the license, is sustained. In the event that such order is set aside with direction to the Board to refuse the license or to revoke or suspend the license, the costs shall be taxed against the licensee.

No order granting a license shall become effective, and no license thereunder shall be issued, until the expiration of ten days after the date of the entry of such order; and if, within said period of ten days, an appeal from said order shall have been filed as provided by this section, then such order shall not become effective until said appeal shall have been finally determined.

If a license shall be revoked or suspended by an order of the Board, the licensee shall at once suspend all business or other operations authorized under his license, except as provided in section 46 of this Act, though he may file an appeal in the Circuit Court from the order of revocation or suspension, and no court shall have authority to issue an injunction to suspend the operation of an order of revocation or suspension pending an appeal. If upon appeal to the Circuit Court an order of suspension or revocation is upheld, or if an order refusing to suspend or revoke a license is reversed, and an

appeal is taken to the Court of Appeals, no court shall have authority to issue an injunction to suspend the operation of the judgment of the Circuit Court pending the appeal.

§ 50. *Authorization by Board for Continuance in Business by Representative of Defunct Licensee.* If a corporation or copartnership holding a license under this Act shall be dissolved, or if a receiver or assignee for the benefit or creditors, or a committee for the property of an individual holding a license issued under this Act, be appointed during the time for which such license was granted, or if an individual holding a license granted under this Act shall die during the time for which such license was granted and a personal representative shall be appointed for his estate, such corporation or copartnership, receiver or assignee, or the personal representative of the estate of said deceased or individual adjudged to be incompetent, may continue to carry on such business upon the licensed premises for the balance of the term for which the license was effective, with the same rights and subject to the same restrictions and liabilities as if he had been the original licensee, provided the approval of the Administrator who issued the license shall first be obtained. Before continuing such business such receiver, assignee, personal representative, or committee as the case may be, shall file a statement setting forth in such form as the Alcoholic Beverage Board may prescribe the facts and circumstances by which he has succeeded to the rights of the original licensee. The Administrator may, in the exercise of his sound discretion, permit or refuse to permit the continuance of such business. In the event the Administrator permits the continuance of such business the license shall be submitted to him, and he shall write or stamp across the face of said license the words: "..... is permitted to exercise the rights and privileges of the original licensee hereunder as assignee (or receiver, personal representative or committee, as the case may be) of the original licensee for the unexpired term of this license." Such endorsement on the face of the license shall be dated and

signed by the person making it. The applicant shall pay a fee of $5.00 upon procuring such endorsement.

§ 51. *Transfer to Different Premises.* In case of destruction by an act of God or casualty for which the licensee was not responsible, of premises for which a license under this Act shall have been issued, the Administrator who issued the license may, if in his discretion such action is necessary to attain justice, change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee shall have filed a written verified statement of the reasons for the necessity of transfer. If such transfer is made the Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

TITLE IV.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

ARTICLE I.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING TO ALL PERSONS.

§ 52. *No Traffic in Alcoholic Beverages Save Under License.* It shall be a criminal offense for any person to manufacture, store, sell, purchase, transport or otherwise in any manner traffic in alcoholic beverages as that term is defined in this Act, without first having paid to the Department of Revenue at its office in Frankfort, the license tax required by this Act, and without first having obtained the license required by this Act.

In addition to the criminal penalty prescribed for violation of this section, it is explicitly provided that, as often as any person shall manufacture, store, sell, purchase, transport, or otherwise traffic in alcoholic beverages without first having paid to the Department of Revenue at its office in Frankfort the license tax required by this Act, said person shall be required to pay said license for the full year notwithstanding

that no license shall be issued, together with a penalty equal to twenty (20) per cent of said license tax.

§ 53. *Declaring Certain Property Contraband: Providing for Its Disposition.* The following property is hereby declared to be contraband: (1) Any illicit still designed for the unlawful manufacture of intoxicating liquors, or any apparatus designed for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. An illicit still or apparatus designed for the unlawful manufacture of intoxicating liquors shall include (a) An outfit or parts of an outfit commonly used, or intended to be used, in the distillation or manufacture of spirituous, vinous or malt liquors which is not duly registered in the office of a collector of Internal Revenue for the United States, and the burden of proving that same is so registered shall be on the defendant or defendants under charge; (b) any and all material, equipment, implements, devices, firearms, and other property used or intended for use, directly and immediately, in connection with the illicit traffic in alcoholic beverages. (2) Any spirituous, vinous or malt liquors in the possession of any one not entitled to possession of the same under the provisions of this Act. (3) Any spirituous, vinous or malt liquors in the possession of any one and to which the revenue stamps have not been affixed as and when required by the provisions of the Alcoholic Beverage Tax Act, Sections 4281c-1 to and including 4281c-25, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) edition. (4) Any distilled spirits, wine or malt beverage in a container of a size prohibited by law or prohibited to particular party in whose possession same is found. (5) Any distilled spirits or wine kept in an unauthorized place within any licensed premises under the provisions of Section 77 of this Act. (6) Any motor vehicle, water or air craft, or other vehicle in which any person is illegally possessing or transporting alcoholic beverages.

Any peace officers, including the Administrators, and the field representatives of the Department of Revenue are

hereby authorized to seize, without warrant, any of the property declared to be contraband under this section and to hold the same subject to the order of the court before which the owner or one in possession of such property has been arraigned. Upon conviction of the defendant the court shall enter an order vesting title in all the contraband property in the Alcoholic Control Board, subject to the right of any owner or lienor of property in sub-section six above, whose lien is of record, to intervene and establish his rights in such property by proving that the property was being used in connection with traffic in alcoholic beverages without the knowledge, consent or approval of such owner or lienor. If the owner of the property does so prove, the court shall order the property restored to such owner. If the lienor so proves the court shall order a sale of the property at public auction. The expenses of keeping and selling the same, and of all valid recorded liens which are established by intervention as being bona fide shall be paid out of the proceeds of the sale. The balance shall be paid into the State Treasury and be credited to the General Expenditure Fund. The Court shall order all sales under this Act in which lienors have an interest to be made by the sheriff who shall receive and be allowed the same fees as allowed for sales under execution. If the defendant be acquitted no property seized as contraband in connection with the arrest of the defendant shall be ordered returned or restored unless the person from whose possession same was taken proves that he was in lawful possession of said property. If the owners of any contraband seized under this Act cannot be located within ninety days, and during that time shall fail to appear and claim such contraband, or if such owner appears and agrees, title to such contraband shall immediately vest in the State Alcoholic Control Board.

§ 53½. *Penalty for Drinking or Being Drunk in a Public Place.* Any person who shall in any public place or in or upon any passenger coach, street car, or in any other vehicle commonly used for the transportation of passengers, or in or

about any depot, platform, waiting station or room, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated or under the influence of intoxicants on any public or private road or in any passenger coach, street car, or other public place or building or at any public gathering, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment for not less than five days nor more than thirty days, or by both such fine and imprisonment.

§ 53¾. Any person conducting a place of business patronized by the public, other than the holder of a license for the sale of distilled spirits and wine by the drink, who permits any person or persons to sell, barter, loan, give away, or drink distilled spirits or wine therein or thereon shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) in the discretion of the jury or court trying the accused.

Article II.

Prohibitions, Restrictions and Regulations Relating to Licensees Generally

§ 54. *Persons Who May Not Become Licensees.* No person shall become a licensee under this Act, or manufacture, sell, transport or otherwise traffic in any alcoholic beverages, as that term is defined in this Act, who:

(1) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors.

(2) Is under the age of twenty-one years.

(3) Is not a citizen of the United States and has not had an actual, bona fide residence in this Commonwealth for at least one year next before the date on which his application for a license is made, provided this sub-section shall not apply

to applicants for manufacturer's licenses, or to applicants which are corporations authorized to do business in Kentucky.

(4) Is a co-partnership or corporation, unless each member of the partnership or each of the principal officers, managers and employees and each of the directors of the corporation has not been convicted of a felony or of any misdemeanor or offense directly attributable to the use of intoxicating liquors, is twenty-one years of age or more, and is a citizen of the United States.

(5) Has had any license issued under this Act or any license issued under any act or ordinance relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any of the provisions of this Act or of any such other act or ordinance, until the expiration of two years from the date of such revocation or conviction.

(6) Is a co-partnership or corporation, if any member of such partnership or any of the principal officers or any of the directors of such corporation has had any license issued under this Act or any license issued under any act or ordinance relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any of the provisions of this Act or of any such other act or ordinances, until the expiration of two years from the date of such revocation or conviction.

(7) A Transporter's License as provided for in Section 18 (7) of this Act shall be issued only to persons who are authorized by proper certified from the Division of Motor Transportation in the Department of Business Regulation to engage in the business of a common carrier.

(8) No Retail Package License or Retail Drink License shall be issued for any premises used as or in connection with the operation of a grocery store. "Grocery Store" shall be construed to mean any business enterprise in which a sub-

stantial part of the commercial transaction consists of selling at retail products commonly classified as staple groceries.

§ 55. *Persons Who May Not be Employed by Licensees.* No person holding any license under this Act shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(1) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors.

(2) Is under the age of twenty-one years, except in a bottling house or room of a licensed distiller, vintner or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory.

(3) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, provided the above residence requirement shall not apply to persons employed by distillers, operators of dining cars or transporters engaged in interstate commerce.

(4) Within two years prior to the date of his employment, has had any license issued under this Act or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of this Act or of any other such act or ordinance. Violation of this section shall subject both employer and employee to penalties provided in this Act, and shall be cause for revocation of license.

§ 55½. *Sales for Cash Only.* No brewer, wholesaler or distributor shall sell any alcoholic beverages to any person in Kentucky for any consideration except cash paid at or before the time of delivery; provided sales by wholesalers or distributors to licensees which are private clubs or voluntary associations shall be exempt from the provisions of this section.

No brewer or distributor shall furnish or deliver any bottled beer without collecting a minimum container charge or deposit of sixty cents (60c) per case of twenty-four twelve ounce bottles or the equivalent thereof, in the same manner that the price of the beer is collected.

No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained, however, shall prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor, if such containers or packages have been returned to the brewer or distributor.

§ 56. *Prohibited Purchases and Sales by Licensees.* No holder of a license issued under this Act shall purchase or agree to purchase any alcoholic beverages from any person within or without this Commonwealth who is duly licensed to sell such beverages to the particular purchaser at the time of such agreement to sell, nor give any order for any alcoholic beverages to any individual who is not a holder of a special agent's or solicitor's license if such license is required; and no holder of a license issued under this Act shall sell or agree to sell any alcoholic beverage to any person within or without this Commonwealth who is not duly licensed or otherwise legally authorized to buy and receive such beverages at the time of such agreement to sell, nor secure any order for the sale of any alcoholic beverages through any individual who is not the holder of a special agent's or solicitor's license if such license is required.

§ 57. *Peddling Prohibited.* No holder of any license issued under section 18 of this Act nor any of his agents, servants or employees shall peddle any alcoholic beverages from house to house, by means of a truck or otherwise, where the sale is consummated and delivery made concurrently at

the residence or place of business of the consumer. This section shall not be construed so as to prohibit the delivery of alcoholic beverages in conformity with section 27 of this Act, pursuant to sales made at the place of business of such licensee. Deliveries shall not be made by holders of special agent's or solicitor's licenses.

§ 58. *Sales and Solicitations at Customer's Home or Place of Business Prohibited.* No holder of a license issued under this Act shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This section shall not be construed so as to prohibit the solicitation by a distiller, rectifier, brewer, or vintner of an order from any licensed wholesaler or distributor at he licensed premises of such wholesaler or distributor nor to prohibit the solicitation by a licensed wholesaler or distributor of an order from any licensed retailer at the licensed premises.

§ 59. *Transfer or Assignment of License Prohibited; Every Dining Car Considered Premises Separately to be Licensed.* A license issued under this Act to any person for any licensed premises shall not be transferrable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, except in the sound discretion of the Administrator who issued the license. It shall be available only to the person therein specified and only for the premises therein specified and to no other, unless a transfer or assignment be authorized in the exercise of his sound discretion by said Administrator under the provisions of section 50 or 51 of this Act. For the purpose of this section each railroad dining car shall be deemed premises separately to be licensed.

§ 60. *Pledging of Licenses Prohibited.* No license issued under this Act shall be pledged, hyphothecated or

deposited as collateral security on any loan or upon any condition; and any such pledge, hypohthecation or deposit and any contract providing therefor shall be void.

§ 61. *Sales to Any Person Not Providing for His Family Prohibited.* No licensee under this Act shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverages to be sold to any person who has been reported to such licensee by any Court or by any officer acting at its direction as having failed to make proper provision for his family.

§ 62. *Payment for Another's License Prohibited.* The license tax for every license issued under this Act shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this Act. In addition to all other penalties provided in this Act, a violation of this section shall authorize and require the revocation of the license the tax for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

§ 63. *Advertising and Window Displays Prohibited Except in Conformity with the Rules of the Board.* Except as it may be done in conformity with the provisions of such reasonable rules and regulations relative to advertising as may be adopted by the State Alcoholic Beverage Control Board, no holder of a license issued under this Act shall advertise or cause or permit to be advertised in any manner any product which he is licensed to manufacture to sell, whether any such advertisement advertises any particular brand or not, and whether or not it quotes prices; nor shall any holder of a license issued under this Act have or exhibit in a window any sort of display of alcoholic beverages except in conformity with such reasonable rules and regulations relative to window displays as may be adopted by said Board.

§ 64. *Holding Federal Without State License Raises Prima Facie Presumption of Doing Business Illegally.* The

holding of any Federal permit to traffic alcoholic beverages without the corresponding requisite state and local licenses shall in all cases raise a prima facie presumption that the holder of such Federal permit is trafficing in alcoholic beverages in violation of the terms of this Act.

§ 65. *Presence of Alcoholic Beverage on Certain Premises Makes Out Prima Facie Case of Intent to Sell.* Whenever any alcoholic beverages, in whatever quantity, shall be found on any business premises within this Commonwealth, a prima facie presumption shall thereupon arise that said alcoholic beverage was upon such premises for the purpose of sale.

§ 66. *Prescribed Books and Records to be Kept.* Each licensee under this Act shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages in the manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. Such books and records shall be available at all reasonable times for inspection by any authorized representative of the Department of Revenue.

Article III.

Prohibitions, Restrictions and Regulations Relating to All Manufacturers and Wholesalers.

§ 67. *Prohibitions, Restrictions and Regulations Particularly Applicable to All Distillers, Rectifiers, Vintners and Wholesalers.* No person holding a distiller's or rectifier's or vintner's or whoesaler's license issued under this Act, and no employee, servant or agent of such licensee, shall:

(1) Be interested directly or indirectly in any premises where any distilled spirits or wine are sold at retail; or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail, by stock ownership, interlocking directorates, mortgage or lien on any personal or real property, or by any other means.

(2) Make or cause to be made any loan to any person engaged in the manufacture or sale of any distilled spirits or wine at wholesale or retail.

(3) Make any gift or render any kind of service whatsoever, directly or indirectly, to any person licensed under section 18 of this Act which in the sound judgment of the Alcoholic Beverage Board may tend to influence such licensee to purchase the product of such distiller, rectifier, vintner or wholesaler.

(4) Enter into a contract with any holder of a retail license issued under this Act whereby such licensee agrees to confine his sales to distilled spirits or wine manufactured or sold by one or more such distillers, rectifiers, vintners or wholesalers. Any such contract shall be void.

§ 68. *Labeling—Use of Word "Kentucky."* No whiskey produced in Kentucky, except whiskey, the barrel containing which is branded "Corn Whiskey", under the Internal Revenue laws, shall be bottled in Kentucky or removed from this State unless such whiskey shall have been aged in charred, new oak barrels for a period of not less than one full year; provided, however, that the Department of Revenue may, in its discretion, grant permits for the removal from this State, of whiskey aged less than on full year in charred new oak barrels whenever the Department finds that an emergency exists by reason of inadequate warehousing facilities in this State or for other good causes.

Before granting any such permit, however, the Department of Revenue shall first be furnished with affidavits by the consignor and consignee that such whiskey, after removal from this State, will not be bottled under a label on which the word "Kentucky" or any word or phrase implying Kentucky origin appears; and provided further that unless the Department is satisfied from such affidavits that said whiskey, when removed from this State, will not be bottled under a label on which the word "Kentucky" or any word or phrase implying Kentucky origin appears, it may require the consignor, as a

condition precedent to such removal, to execute a bond with corporate surety to the Commonwealth of Kentucky, in a penal sum equal to the fair market value of such whiskey, the condition of such bond being, that said whiskey, after its removal from Kentucky, will not be bottled under any label containing the word "Kentucky" or any word or phrase implying Kentucky origin before it has been stored in charred, new oak barrels for at least one full year.

For violations of this section, the Department shall revoke the permit of the licensee from whose warehouse or premises such whiskey shall have been removed or in which such whiskey shall have been bottled.

The prohibition contained in this section shall apply only to whiskey produced on and after the effective date of the passage of this Act.

§ 68½. *F. A. A. Labeling Regulations Adopted.* The regulations of the Federal Alcohol Administration, as they now or may hereafter exist, with respect to the labeling of distilled spirits and wine are hereby adopted and any such alcoholic beverages shall be deemed to be properly labeled under all the laws of the State of Kentucky if such labels conform to the regulations and requirements under the Federal Alcohol Administration Act. This section shall not be construed, however, to prevent the Department of Revenue from promulgating rules and regulations on this subject which are different from but not contrary to the regulations of the Federal Alcohol Administration Act.

§ 69. *No Signs To Be Furnished by Distillers, Rectifiers, Vintners or Wholesalers; Exception.* No distiller, rectifier, vintner or wholesaler shall furnish or cause to be furnished to any licensee any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the rules and regulations of the State Alcoholic Beverage Control Board.

ARTICLE IV.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO WHOLESALERS.

§ 70. *No Distilled Spirits or Wine to be Purchased, Imported, Kept or Sold Save in Sealed Containers Properly Stamped and Labeled and in Unbroken Cases.* No wholesaler licensed under this Act shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any cask, barrel, keg, hogshead or other container except in the original sealed package containing quantities of not less than eight ounces each of distilled spirits or six ounces of wine and not to exceed one quart each of distilled spirits or fifty-five gallons each of wine, as received from the distiller, rectifier, or vintner, or wholesaler, as the case may be. Such containers shall at all times have affixed thereto such labels as may be required by the rules and regulations of the State Alcoholic Beverage Board, together with all necessary Federal revenue and State excise tax stamps as required by law. No wholsaler shall sell any distilled spirits or wine except in cases of containres of uniform size and of the sizes above specified. "Case" as used in this section shall mean a carton of containers aggregating not less than two and four-tenths wine gallons nor more than three wine gallons of distilled spirits.

§ 71. *Wholesaler to Have License Number on Window or Building.* Each wholesaler shall have painted on the front window of the licensed premises, nor, if there be no window, on a sign affixed to the front of the building containing said licensed premises, the name of the licensee together with the inscription: "Kentucky Wholesaler's Liquor License No. ....." in uniform letters not less than three and a half inches in height.

Article V.

Prohibitions, Restrictions and Regulations Relating to All Sales at Retail

§ 72. *No Retail License For Premises Save Those of Which Applicant Is Owner or Lessee.* No license for the sale of alcoholic beverages at retail shall be granted for any premises unless the applicant for the license shall be the owner thereof, or shall be in possession said premises under a written lease for a term of not less than the license period.

§ 73. *No Retail Sales Save From Premises Located on Street Level, Etc.; Exemption.* No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance thereto are on the street level, and located in a business center or on a main thoroughfare; provided, however, that this provision shall not apply to a hotel, club or restaurant, where such hotel, club or restaurant shall have been bona fide in business as a licensee in premises located above or below the ground floor for at least one year next preceding the date when its application for a license under this Act is made, in which latter class of cases the premises may or may not be licensed as the Administrator to whom the application is made may, in the exercise of his sound discretion, decide.

§ 74. *All Retail Premises Must Provide a Clear View From the Entrance.* The entrance doors of any premises for which a retail license has been issued under this Act shall be of clear glass and the premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises be not on the street level, from the entrance. There shall be no partition, box, stall, screen, curtain or other device to obstruct the view or the general observation of persons; provided, however, that partitions, subdivisions or panels that are not higher than forty-eight

inches from the floor shall not be construed as obstructing the view or the general observation of persons; and provided further that any license to any bona fide hotel or club shall entitle the holder of such license to serve such alcoholic beverages as such holder is licensed to sell in a separate room or rooms at banquets or dinners or where meals are served.

§ 75. *No Retailing Near School, Hospital, Church or Other Place of Worship; Exception.* No license for the sale of alcoholic beverages at retail shall be granted for any premises which shall be located on the same street or avenue as, and within two hundred feet of a building occupied exclusively as a school, hospital, church or other place of worship without the written permission of the governing authority of such church, school or hospital, except that a hotel, drug store or private club which has been bona fide in business as a licensee at that location for not less than one year next preceding the passage of this Act or the establishment of said church, school or hospital, may be granted a license by the Administrator, in the exercise of his sound discretion, even though within less than two hundred feet of a building occupied exclusively as a school, hospital, church, or other place of worship. The measurement called for in this section shall be taken on the street or avenue on which the licensed premises are located in a straight line from the nearest property line of the real estate on which is located the building used for such school, hospital, church or other place of worship to the nearest property line, of the real estate on which is located the building for which a license is sought.

§ 76. *Advertising Brands by Retailers Prohibited.* No sign of any kind, printed or electric, advertising any brand of alcoholic beverages shall be permitted on the exterior or interior of any premises licensed for the sale of alcoholic beverages at retail.

§ 77. *Closing Hours and Times.* No premises for which there has been granted a license for the sale of distilled spirits

or wine at retail shall be permitted to remain open for any purpose on Sunday or on any other day between midnight and eight o'clock a. m., or at any time during the twenty-four hours of an election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

§ 78. *Disorderly Conduct Forbidden on Retail Premises.* No person licensed to sell alcoholic beverages at retail shall cause, suffer or permit the licensed premises to be disorderly.

§ 79. *Sales at Retail to Specified Persons Prohibited.* No person licensed to sell alcoholic beverages at retail shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(1) A minor.

(2) An intoxicated person or a person actually or apparently under the influence of liquor.

(3) An habitual drunkard. Any person convicted of drunkness as many as three times within the most recent twelve months period shall be deemed to be an habitual drunkard.

(4) Any one known to the seller to have been convicted of a felony or convicted of any misdemeanor or offense attributable directly or indirectly to the use of intoxicating liquors.

§ 80. *Credit Transactions by Retailers Prohibited; Exceptions.* No holder of a license for the sale of distilled spirits and wine at retail shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any distilled spirits or wine on credit; provided, however,

that if the holder of such license is a bona fide private club it may sell on reasonable credit to its members and provided further that if the holder of such a license be a bona fide hotel it may sell on reasonable credit to its registered guests.

§ 81. *"Treating" Prohibited.* There shall be no "treating" of anyone at any time by any holder of any retail license issued under this Act. "Treating", as that term is used in this section, shall mean the giving away of any alcoholic beverage in any quantity, or delivering same in any quantity for other than a full monetary consideration.

Article VI.

Prohibitions, Restrictions and Regulations Relating Only to Retail Package Sales.

§ 82. *Distilled Spirits and Wine to be Purchased, Kept or Sold in Sealed Containers of Specified Sizes, Properly Stamped and Labeled; Such Containers Not to be Opened on Premises.* No holder of a license issued under this Act for the sale at retail of distilled spirits and wine for consumption off the premises shall purchase, keep upon the licensed premises, or sell any such beverages in any cask, barrel, keg, hogshead or other container except in the original sealed package containing quantities of not less than eight ounces of distilled spirits or six ounces of wine and not to exceed one quart each or liquor or fifty-five gallons each of wine. Each such container shall have affixed thereto such labels as may be required by the rules and regulations of the State Alcoholic Beverage Control Board, together with all necessary Federal revenue and State excise tax stamps as required by law. No such container shall be opened nor its contents consumed on the licensed premises.

§ 83. *License Number to be on Window or Building.* Each person holding a license to sell distilled spirits or wine

at retail for consumption off the premises shall have printed on the front window of the licensed premises the name of the licensee together with the inscription: "Kentucky State Retail Package Liquor License No. ....." in uniform letters not less than three and a half inches in height.

§ 84. *No Sales in Excess of Specified Quantity.* No holder of a license for the sale of distilled spirits and wine at retail for consumption off the premises shall sell or deliver to any person any distilled spirits in excess of three gallons at one and the same time.

§ 85. *No Phone or Mail Orders or Delivery; Exception.* No holder of a license issued under this Act for the sale of distilled spirits or wine at retail for consumption off the premises shall accept orders for such beverages by telephone or by mail, nor shall he deliver or advertise the delivery of such beverages.

Article VII.

Prohibitions, Restrictions and Regulations Relating Only to Retail Drink Licenses.

§ 86. *Distilled Spirits or Wine to be Kept Only in Original Containers Properly Stamped and Labeled.* No holder of a license for the sale of distilled spirits and wine at retail for consumption on the premises shall keep upon the licensed premises any such beverages in any cask, barrel, keg, hogshead or other container except in the original package containing quantities not to exceed one quart each of liquor or fifty-five gallons each of wine, and containing not less than twenty ounces each, as received from the wholesaler; except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. Each such container shall have affixed thereto such labels as may be required by the rules and

regulations of the State Alcoholic Beverage Control Board, together with all necessary Federal revenue and State excise tax stamps as required by law.

§ 87. *Distilled Spirits or Wine Not to be Served Except at Tables.* No distilled spirits or wine shall be sold, given away or served on premises licensed under this Act for the sale of alcoholic beverages at retail for consumption on the premises, except at tables where food may be served; provided, however, that such beverages may be sold or served except to females by a bona fide hotel or club licensed under this Act at a bar, counter or contrivance which is incidental to the conduct of the business of the licensed premises and is not of such a nature as to constitute a predominant part of the equipment therein. Only one such bar, counter or contrivance shall be permitted in any licensed hotel or club under a single license, except that, in addition to the one bar herein provided for, such licensed hotel or club may have any necessary service bars, which, however, shall not be in any room in which the members or guests or patrons of such hotel or club are invited or permitted to come. No distilled spirits or wine shall be served to any one at such service bars. Nothing contained in this section shall be construd as meaning that food must be purchased or consumed with alcoholic beverages.

§ 88. *Female Employees Prohibited.* No holder of a license for the sale of alcoholic beverages at retail for consumption on the premises shall employ any female as a bar maid or for any duties with respect to the sale of alcoholic beverages except to wait upon tables, or serve as cashier or usher.

Article VIII.

Prohibitions, Restrictions and Regulations Relating Only to Transporters.

§ 89. *Transportation by Non-Licensee Prohibited; Exception.* No person except a railroad company or railway express company shall transport or cause to be transported

any distilled spirits or wine, otherwise than as provided in this Act, except such beverages may be transported by the holder of any license authorized by section 18 of this Act, from and to express or freight depots to and from the premises covered by the license of the person so transporting distilled spirits or wine.

Article IX.

Prohibitions, Restrictions and Regulations Relating Only to Special Licenses.

§ 90. *Prohibitions, Restrictions and Regulations Relating Only to Special Licenses to be such as are Determined Upon by the Board.* The prohibitions, restrictions and regulations relating to special licensees shall be those which the State Alcoholic Beverage Control Board may, by its rules and regulations, and in the exercise of its sound discretion, prescribe.

§ 91. *No Solicitation Without License.* No individual shall solicit orders for or offer for sale any distilled spirits or wine, irrespective of whether such sale is to be made within or without this Commonwealth, unless such person shall have a special agent's or solicitor's license.

§ 92. *Sale of Industrial or Non-Industrial Alcohol.* Any person who shall knowingly sell any alcohoic product intended for non-beverage purposes under sections 30 (2) or 30 (3) of this Act, under circumstances from which he might reasonably have deduced the intention of the purchaser to use them for beverage purposes, shall be subject to the penalties provided for in this Act.

§ 93. *Storage by Non-Licensee Prohibited.* No distilled spirits or wine in excess of three gallons shall be stored or kept except upon the licensed premises of a person who is the holder of a license provided for in section 18 or 29 of this Act.

TITLE V.

PENALTIES.

ARTICLE I

PENALTIES.

§ 94. *Penalties for Trafficking in Alcoholic Beverages Without a License.* Any person who, by himself or acting through another, directly or indirectly, shall violate the provisions of section 52 of this Act, shall be deemed guilty of a crime and, upon conviction, shall be punished by a fine of not less than $100.00 and not to exceed $5,000.00 or by imprisonment not to exceed five years, or by both such fine and imprisonment. For a second and each subsequent offense the offender, upon conviction, may be fined in a sum not less than $500.00 and not to exceed $10,000.00 or imprisoned for a term not to exceed ten years, or both so fined and imprisoned; provided, that in case the offender be a corporation, joint stock company, association or fiduciary, then the principal officer and/or the officer or officers responsible for such violation may be punished by such imprisonment.

§ 95. *Penalties for Violations of Other Sections of this Act.* Any person who, by himself or acting through another, directly or indirectly, shall violate the provisions of any section of this Act other than section 52 or sections 104 to 117 inclusive, for which a specific penalty is not provided, shall, for the first offense be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not to exceed $500.00 or by imprisonment in the County jail or workhouse for a term not to exceed six months, or by both such fine and imprisonment. For a second and each subsequent violation of the provision of any section of this Act other than section 52, whether the section violated be that for which the first conviction was had or not, the offender, upon conviction, shall be punished by a fine not to exceed $1,000 or by imprisonment for a term not to exceed one year, or by both such fine and im-

prisonment. The penalties provided for in this section shall be in addition to the revocation of the offender's license; provided, that in case the offender be a corporation joint stock company, association or fiduciary, then the principal officer or officers responsible for such violation may be punished by such imprisonment. Nothing in this section shall be construed as conflicting with the penal provisions of section 10 of this Act.

TITLE VI.

MALT BEVERAGE TRAFFIC

ARTICLE I.

LICENSES AND TAXES.

§ 96. *Expiration Date of Malt Beverage Licenses; License Taxes.* All licenses provided for in this section shall expire on June 30th of each year. The following kinds of licenses may be issued by the Malt Beverage Administrator:

(1) Brewer's License, the fee for which shall be $1,000 per annum.

(2) Distributor's License, the fee for which shall be $100 per annum.

(3) Beer Retailer's License, the fee for which shall be $25 per annum.

(4) Dining Car License, the fee which shall be $25 per annum.

(5) Beer Transporter's License, the fee for which shall be $5 per annum.

(6) Special Temporary License, the fee for which shall be one-sixth of the taxes for a full year's license for each month or part of a month for which the Special Temporary License is issued.

§ 97. *Business Authorized by Brewer's License.* A brewer's license shall authorize the holder thereof, at the premises specifically designated in the license, to engage in the business of a brewer as that term is defined in this Act, and to transport for himself only any malt beverage which

he is authorized under his license to manufacture or sell, provided he so transports such beverages in accordance with the requirements provided for distillers in section 21 of this Act. The holder of a brewer's license shall be authorized to sell at wholesale or retail, from the licensed premises only, and without any additional license, any malt beverage produced under his license.

§ 98. *Business Authorized by a Distributor's License.* A distributor's license shall authorize the holder to purchase, import or store malt beverages and to sell same, from the licensed premises only to other licensed distributors, to licensed retailers or consumers for personal use and not for resale. A distributor may transport malt beverages subject to the same requirements provided for distillers in section 21 of this Act. If any brewer or distributor maintains more than one place of business or warehouse, agent, distributor, broker or jobber from which orders are received or beverages are distributed, nothing herein contained shall prevent the collection of an additional $100 distributor's license tax for each separate place of business, warehouse, agent, distributor, broker or jobber.

§ 99. *Business Authorized under Beer Retailer's License.* A beer retailer's license shall authorize the holder to sell malt beverages at retail from the licensed premises only and to purchase malt beverages only from a brewer or distributor licensed under this Act.

§ 100. *Business Authorized under Dining Car License.* A dining car license may be issued to any Railroad or Pullman Car Company which shall authorize the holder to exercise only on a particular dining car designated in the license, the privileges of a beer retailer, subject to the same restrictions as provided in the case of a beer retailer.

§ 101. *Business Authorized by Beer Transporter's License.* A beer transporter's license shall authorize the holder to transport malt beverages for hire to or from the

licensed premises of any licensee under this Act, provided both the consignor and consignee in each case are authorized by the law of the states of their residence, respectively, to sell, purchase, ship or receive the malt beverages, as the case may be.

§ 102. *Business Authorized by Special Temporary License.* The Malt Beverage Administrator is authorized and empowered to issue a special temporary license for the sale of malt beverages at retail for consumption on the premises of any regularly organized fair or racing association for a particular fair, race or race meeting conducted by such association, or for special temporary occasions such as picnics, bazars, carnivals and the like. The issuance or refusal of such special license and the exercise of the privilege granted thereby shall be subject to such rules and regulations as said Department may in each particular case deem necessary.

§ 103. *Applications for Malt Beverage License; Issuance of Same.* Applications for any license provided for in section 96 of this Act shall be made to the Administrator of the Malt Beverage Unit shall be in writing on forms furnished by the Department, and verified; and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as this Act or the State Board by regulation shall require. Said application shall be accompanied by a certified check, or cash, or a postal or express money order for the amount of money required by this Act for a license of the kind applied for. If the Administrator shall grant the application he shall issue the proper license in such form as shall be determined by the State Board by Regulation, subject to the provisions of section 38 of this Act.

§ 104. *Posting of Licenses.* Before commencing or doing any business for the time for which a license has been granted said license shall be posted and at all times displayed in a conspicuous place in the room or principal room where such business is carried on, so that all persons visiting such

place may readily see the license. It shall be unlawful for any person holding a license to post such license or permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in malt beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees a duplicate license in lieu thereof shall be issued upon proof of loss satisfactory to the Administrator, and upon the payment of a fee of $1.00 therefor.

ARTICLE II.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

§ 105. *Premiums Unlawful.* It shall be unlawful for any person holding a license to sell malt beverages to offer or give anything tangible of value as a premium for the return of caps, stoppers, corks, stamps, wrappers, coupons, or labels taken from any bottle, case, barrel, or package containing such malt beverages or to offer or give anything of value as a premium gift, or prize to induce the purchase of such malt or brewed beverages or for any other purpose in connection with the sale of such malt beverages; provided, however, that this section shall not apply to the return of moneys specifically deposited for the return of the original containers to the owners thereof.

§ 106. *Hours of Doing Business.* It shall be unlawful for any brewer or distributor to deliver any malt beverages between the hours of 7:00 P. M. and 6:00 A. M. except on Saturdays when the hours of such deliveries shall be between 6:00 A. M. and midnight. It shall be unlawful for beer retailer to sell, give away or deliver any malt beverages between the hours of midnight and 6:00 A. M. or on Sunday between midnight and noon.

§ 107. *Advertising in Certain Places Prohibited.* It

shall be unlawful for any licensee to advertise any malt beverage by trade name, trade mark or in any manner within one hundred (100) feet of any property line of any school or church, and such distance shall be by straight line, but this provision shall not apply to advertisements placed on the establishment of manufacturers or brewers or distributors in operation prior to this Act, nor to signs in position at the time of the effective date of this Act.

§ 108. *Signs on Premises.* It shall be unlawful for any retailer to advertise or permit to be advertised or have any display on the outside of any licensed premises at any distance whatever beyond any wall of said premises any malt beverage by trade name, trade mark or otherwise, and no such advertising or display shall be permitted by him within such licensed premises so as to be visible from without such premises, provided, however, that nothing herein contained in this section shall prevent a licensee from painting any sign on any wall in his premises, provided that said sign does not contain a trade mark or trade name of a malt beverage.

§ 109. *Unlawful for Label to Refer to Alcoholic Strength; Exceptions.* It shall be unlawful to issue, publish or post, or cause to be issued, published or posted by any licensee any advertisement of malt beverage intended for sale in Kentucky including a label which shall refer in any manner to the alcoholic strength of the malt beverage manufactured, sold or distributed by such licensee or to use in any advertisement or label such words or numerals likely to be considered a statement of alcoholic content unless adequately explained or for any licensee to purchase, transport, sell or distribute any malt beverage advertised or labeled contrary to the provisions of this clause.

§ 110. *Unlawful to Sell to Persons Illegally Selling Malt Beverages.* It shall be unlawful for any licensee to sell any malt beverage to any person engaged in the business of illegally selling malt beverages, or to any vendor of malt

beverages unless such vendor holds a license in accordance with this Act.

§ 111. *Exclusive Outlets.* It shall be unlawful for any person engaged in business as a manufacturer or brewer, distributor or shipper of malt beverages directly or indirectly or through an affiliate or subsidiary to require by agreement or otherwise, that any retailer engaged in the sale of malt beverages, purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons.

§ 112. *Tied Houses.* It shall be unlawful for any manufacturer, brewer, or distributor to induce through any of the following means any retailer engaged in the sale of malt beverages, to purchase any malt beverages from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in commerce in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrain other persons from selling or offering for sale any such products to such retailer (a) by acquiring or holding (after the expiration of any existing license) any interest in any license with respect to the premises of the retailer; or (b) by acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; or (c) by furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value except as the Malt Beverage Administrator, having due regard for the public health, the quantity and value of the articles involved, the prevention of monopoly and the practice of deception, may by regulation otherwise prescribe, or (d) by paying or crediting the retailer for any advertising, display, or distribution service subject to such exceptions as the Director may by regulation prescribe; or

(e) by guaranteeing any loan or the repayment of any financial obligation of the retailer; or (f) by requiring the retailer to take and dispose of a certain quota of any of such products.

§ 113. *Commercial Bribery Unlawful.* It shall be unlawful for any manufacturer or brewer to induce through any of the following means, any retailer engaged in the sale of malt beverages, to purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if such persons engaged in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer; (a) by commercial bribery; (b) by offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of such retailer; or (c) by making or allowing any rebates or refunds to any officer, employee, or representative of such retailer.

§ 114. *Labeling.* The Department may in its discretion adopt any or all of the regulations of the Federal Alcohol Administration relating to labeling and advertising as the Federal Alcoholic Administration may issue and promulgate under and by virtue of an Act of Congress approved August 29th, 1935. Provided, however, that the adoption of the regulations above mentioned shall not become effective as to any manufacturer or distrbutor having labels on hand that would be outlawed by such adoption until a period of 90 days from the date of such adoption.

§ 115. *Adulteration or Repackaging of Malt Beverages.* It shall be unlawful to fortify, adulterate, contaminate, or in any wise change the character or purity of the malt beverages from that as originally marketed by the manufacturer, or to sell, deliver or transport such beverages except in the

original containers; provided distributors of malt beverages may elect to pay the consumers' tax imposed by Kentucky Statutes, section 4281c-2, Baldwin's 1936 Revision, upon the basis of the quantity of all malt beverages received, in which event nothing contained herein shall be construed to prohibit such licensees from repackaging malt beverages received in original containers. The repackaging of malt beverages by a wholesaler shall be deemed conclusive evidence that such licensee elects to pay the consumers' tax upon the entire amount of such beverage received by him in Kentucky.

§ 116. *Certain Financial Interest by Manufacturers or Distributors.* Except as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage (lien) against the same for which a retail license is granted; nor shall a manufacturer or distributor either directly or indirectly lend any moneys, credit or the equivalent thereto to any retailer in equipping, fitting out or maintaining and conducting either in whole or in part an establishment or business (where malt beverages are licensed for sale) operated under a retail license. Provided, however, that this section shall not apply to the interest of a license in any mortgage or other lien taken by him to secure the payment in whole or part of any indebtedness due him by any other licensee and incurred prior to the effective date of this Act.

The provisions of this Article shall not prohibit a distributor from owning stock in any brewery.

117. *Manufacturers and Distributors to Make Truthful Invoices to Retailers and to Make No Allowances or Rebates Therefrom.* (a) It shall be unlawful for any manufacturer or distributor, their agents or employees, to make sale or delivery of any malt beverage without a written invoice made concurrently with such sale or delivery, showing prices and conditions upon which such sale or delivery is

made; or to make any invoice which falsely indicates prices and terms of any sale, or to insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction involved or represented on the face thereof, or to withhold from any invoice any statement which properly should be included therein so that in the absence of such statement the invoice does not truly reflect the transaction involved.

(b) It shall further be unlawful for any manufacturer, brewer or distributor to make, directly or indirectly through any agent or employee, and for the retail to receive any payment of any allowance, rebate, refund, concession or discount, whether in the form of money or otherwise, not conforming with the prices and conditions of sale as shown on the invoice.

§ 118. Any person who shall violate any of the provisions of sections 104 to 117, inclusive of this Act, shall be deemed guilty of a misdemeanor and upon conviction he shall be punished by a fine of not less than $50.00 nor more than $500.00 for each offense, and said person's license shall be subject to revocation.

Title VII.

Miscellaneous Provisions.

§ 119. *Transfer of Functions and Resources of Division of Alcoholic Control from the Department of Business Regulation to the Department of Revenue.* The functions of the Division of Alcoholic Control of the Department of Business Regulation are hereby transferred to the Department of Revenue. All books, papers, records, files, office equipment, other property and pending business of the said division are likewise transferred to and vested in the Department of Revenue. All employees whose functions are by this Act transferred to and vested in the Department of Revenue are hereby transferred, with their functions, to the said department. The remainder of the appropriation made for the operation of the Division of Alcoholic Control is hereby trans-

ferred to and vested in the Department of Revenue to be used for the administration of this Act. In connection with the transfer of the functions of the Division of Alcoholic Control of the Department of Business Regulation to the Department of Revenue, the said Department of Revenue shall be in every way the successor with respect to such functions, and to every act done in the exercise of such functions by or under the authority of the said division. In every instance in which the said division is referred to or designated in any law (not hereby repealed), contract or document, such reference or designation shall be deemed to refer to the Department of Revenue.

§ 120. *Effect of Partial Invalidity.* The titles, articles, sections, sub-sections and all provisions of this Act are severable, and if any of its titles, articles, sections, sub-sections, provisions or the application thereof shall be held unconstitutional, such title, article, section, sub-section, provision or application thereof held to be invalid may be rejected without affecting the remainder of the Act, and the decisions of the courts shall not affect or impair the remaining titles, articles, sections, sub-sections, provisions of this Act or the application thereof. It is hereby declared to be the Legislative intent that this Act would have been adopted had not such unconstitutional title, article, section, sub-section or provision been included therein. It is hereby further declared to be the Legislature's intention in enacting this Act that each title, article, section, sub-section and provision would have been enacted separately, except that if any provision of section 16 of this Act is held to be invalid that entire section shall be construed to be invalid.

§ 121. *Construction or Interpretation.* Irrespective of Title or Article headings the sections of this Act listed below shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application; sections 1 to 17 inclusive, 19, 20, 34, 36, 38,

39, 41 to 56 inclusive, 58 to 66 inclusive, 72 to 76 inclusive, 78, 79, 81, 88, 95, 119 to 121 inclusive. The following sections shall be construed to apply to the traffic in distilled spirits and wine only; 18, 21 to 33 inclusive, 35, 37, 40, 57, 67 to 71 inclusive, 77, 80, 82 to 87 inclusive, 89 to 94 inclusive. Sections 96 to 118 inclusive, shall be construed to apply to the traffic in malt beverages only.

§ 122. *Laws Repealed.* Chapter 146, Acts of the General Assembly of 1934, approved March 17, 1934, being sections 2554b-1 to 2554b-96, inclusive, excepting sections 2554b-67, 2554b-73, of Carroll's Kentucky Statutes, 1936 edition; Chapter VI of the Acts of the General Assembly of 1917, being section 4214c-1 of Carroll's Kentucky Statutes, 1936 edition; and Chapter V of the Acts of the General Assembly at the Special Session of 1933, being sections 4214d-1 to 4214d-14 of Carroll's Kentucky Statutes, 1936 edition, are hereby repealed and all other laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

§ 123. *Declaring an Emergency.* The present uncertainty with respect to the law governing the sale, distribution and use of alcoholic beverages constitutes an emergency, and this Act shall become a law and be effective on its passage and approval by the Governor. Provided, however, that section 70 of this Act shall become effective as provided by the Constitution of Kentucky in the absence of a declaration of emergency; and provided further, that nothing in this Act shall be construed to require any licensee engaged in traffic in alcoholic beverages to pay any additional license tay, or procure any license hereunder, prior to the procurement of the license for the fiscal year 1938-39.

At the instance of the Committe on Rules, Mr. Hunnicutt offered the following amendments to said Substitute, as proposed by the Committee on Rules, viz:

1. Amend House Bill No. 129, page 10, section 10, line 13, by adding after the word "no" and before the word "associate" the following words: "person now holding office as an"

2. Amend House Bill No. 129, page 17, Section 18, line 5, by striking out "$1,000" and by substituting in lieu thereof "$500"; by changing the comma at the end of said line 5 to a period; by striking out all of the language in lines 6, 7 and 8; and by adding in line 10 before the words "Vintner's License" the following: "(3)".

3. Amend House Bill No. 129, page 19, section 19, line 1 by striking out the words "alcoholic beverage" and by substituting in lieu thereof the words "Retail Package and Retail Drink"

4. Amend House Bill No. 129, page 21, section 22, by adding the following paragraph after line 27:

"Provided nothing in this act shall be construed to prohibit the purchase or sale of warehouse receipts by any person or persons but this provision shall not authorize the owner of any such receipt to accept delivery of any distilled spirits unless the owner is qualified under this law to receive the same."

5. Amend House Bill No. 129, page 48, section 53¾, line 1, by adding before the first word the following title "Penalty for Unlicensed Roadhouses Permitting Drinking."

6. Amend House Bill No. 129, page 48, section 54, line 6, by changing the period at the end of said line to a comma and by adding the following words: "Within two years next preceeding the application".

7. Amend House Bill No. 129, page 48, section 54, line 13, by changing the period at the end thereof to a comma and by adding the following words: "or to persons licensed on the date of the passage of this Act.

8. Amend House Bill No. 129, page 49, section 54, line 40,

by striking the period aftr the word "store" and by adding before the words "Grocery Store" the words "or filling station." and by adding at the end of line 43 after the word "groceries" the words "Filling Station" shall be construed to mean any business enterprise in which a substantial part of the commercial transactions consists of selling gasoline and lubricating oil at retail.

9. Amend House Bill No. 129, page 50 section 55, line 6, by changing the period at the end of said line to a comma and by adding thereafter the following words "within two years next preceding the passage of this act."

10. Amend House Bill No. 129, page 53, section 63, line 12 by adding at the end thereof the following sentence: "Nothing in this section shall prohibit advertising in newspapers, magazines or periodicals having a general circulation to regular paid subscribers or patrons."

§ 11. Amend House Bill No. 129, page 59, section 76, line 3, by striking out the word "interior" and by inserting in lieu thereof the words "so as to be visible from the exterior"; and by changing the period at the end of line 4 to a comma and adding thereafter the following words: "except in cities of the first or second class."

12. Amend House Bill No. 129, page 61, section 83, line 5, by striking out the word "lilcense" and by substituting in lieu thereof the word "license"

13. Amend House Bill No. 129, page 61, by striking out section 84 in its entirety.

14. Amend House Bill No. 129, page 63, section 88, line 2, by striking out the word "lacoholic" and substituting in lieu thereof the word "alcoholic."

15. Amend House Bill No. 129, section 106, lines 6 and 7, by striking out the following words "or on Sundays between midnight and noon."

16. Amend House Bill No. 129, page 69, section 107,

line 8 by striking out the period at the end thereof and by adding thereafter the following words "nor to signs located in cities of the first or second class."

17. Amend House Bill No. 129, page 73, section 118, line 1 by inserting before the words "Any person" the following title "*Penalties.*"

18. Amend House Bill 129, page 72, by striking the section 115 in its entirety and substituting in lieu thereof the following section:

115. *Adulteration or Repackaging of Malt Beverages.* It shall be unlawful to fortify, adulterate, contaminate or in any wise change the character or purity of the malt beverages from that as originally marketed by the manufacturer, or to sell, deliver or transport such beverages except in the original containers. Provided, however, those persons, firms or corporations now licensed as Distributors and engaged in business in this Commonwealth in the bottling of malt beverages may elect to pay the consumers' tax imposed by Kentucky Statutes, section 4281c-2, Baldwin's 1936 Revision, upon the basis of the quantity of all malt beverages received, in which event nothing contained herein shall be construed to prohibit said present licensees from repackaging malt beverages in containers of not less than one quart, under such licenses or any renewal thereof. The repackaging of malt beverages by a wholesaler shall be deemed conclusive evidence that such licensee elects to pay the consumers' tax upon the entire amount of such beverage received by him in Kentucky.

The bottling of such malt beverages shall be conducted in accordance with the Rules and Regulations of the Department of Health of the State of Kentucky, which shall promulgate Rules and Regulations and furnish a copy thereof to each licensed distributor and to the State Alcoholic Beverage Board; and if within thirty (30) days thereafter any such distributor has not conformed to the rules and regulations or

thereafter violates the same, such failure or violation shall authorize revocation of the right to bottle.

All persons now engaged in bottling malt beverages under this Act at a place other than the brewery in which said malt beverages are produced, shall within thirty (30) days after the same becomes effective, file with the State Alcoholic Beverage Board a verified inventory of all equipment and location of same, used in connection with the bottling of malt beverages. Failure to file such statement within such time will automatically terminate the right of such licensed distributor to bottle malt beverages.

Upon such person, firm or corporation now engaged in bottling malt beverages in this Commonwealth as a distributor ceasing to do business such license or the right to bottle shall not be transferable.

19. Amend House Bill 129, page 17, section 18, line 9, by striking out the entire line and adding in lieu thereof the following:

(2) Rectifier's license, the fee for which shall be $1,500 per annum, provided, in the case of an applicant who performs the functions of a rectifier only to a limited extent, there may be issued a limited Rectifier's or Blender's License, the fee for which shall be $500. A Blender's License shall be issued only to applicants who produce or process traditional Kentucky whiskies exclusively. A Blender's License shall authorize the holder to produce not exceeding five thousand barrels annually and to perform only the following functions:

(a) Blend and bottle Straight Whiskies produced in Kentucky, which have been aged in new charred oak barrels in unheated Kentucky Warehouses for not less than four and not more than twelve years, to which nothing shall be added except imported Spanish Blending Sherry and/or genuine rock candy syrup and/or distilled water, and which contains no artificial coloring; or

(b) Bottle straight whiskies produced in Kentucky,

which have been aged in new charred oak barrels in unheated Kentucky Warehouses for not less than four nor more than twelve years; or

(c) Bottle white Kentucky whiskey of any age which has been filtered thru charcoal in a manner permitted by the Federal Government.

20. Amend House Bill 129, page 27, by striking the entire section 31½ and substituting in lieu thereof the following:

31½. *Licenses Prohibited in Certain Localities.* Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located (1) within incorporated cities of the first, second or third class, or (2) outside the limits of incorporated cities in counties containing a city of the first or second class, provided said counties maintain an adequate county police force under the provisions of sections 3780 to 3786, inclusive, of Carroll's Kentucky Statutes, 1936 edition.

Licenses to sell distilled spirits and wine by the package may be issued only for premises located within incorporated cities; provided, however, that despite the general policy of restricting sales by the package as hereinbefore set out, the Board may nevertheless, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within an incorporated city if: (1) substantial aggregations of population would otherwise not have reasonable access to a licensed vendor, (2) the premises to be licensed under this proviso shall be used exclusively for the sale of distilled spirits and wine by the package and will not be used in any degree or manner, directly or indirectly, by the licensee or by him and another, in connection with a dance-hall, roadhouse, restaurant, store or any other commercial enterprise, except as a drugstore in which a registered pharmacist is employed, and (3) the part of any premises licensed under this proviso, which is available to the public shall not, except in the case of a drugstore, exceed one hundred

square feet of floor space and shall not contain any chairs, benches, stools or similar furniture or fixtures.

21. Amend House Bill 129, page 56, section 68½, line 7, by adding after the word "Act" and before the word "This", the following sentence:

Provided that distilled spirits not produced or bottled in the United States must be labelled in the same manner that distilled spirits produced or bottled in Kentucky are required to be labelled.

22. Amend House Bill 129, page 62, by striking out section 87 in its entirety and by substituting in lieu thereof the following section:

§ 87. *Females to be Served at Tables Only. Only One Bar Under One License; Exception.* No distilled spirits or wine shall be sold, given away or served on premises licensed under this Act for the sale of alcoholic beverages at retail for consumption on the premises, to females, except at tables where food may be served. Nothing contained in this section shall be construed as meaning that food must be purchased or consumed with alcoholic beverages.

Only one bar, counter or contrivance shall be permitted in any licensed place under a single license, except that, in addition to the one bar herein provided for, any such licensed place may have any necessary service bars, which, however, shall not be in any room in which the members or guests or patrons of such place are invited or permitted to come. No distilled spirits or wine shall be served to any one at such service bars.

23. Amend the Rules Committee Substitute for H. B. 129 on page 12, Section 14, line 3, by striking out the word "permitted" and inserting in lieu thereof the word "not forbidden"

24. Amend the Rules Committee Substitute for H. B. 129 on page 56, section 68, line 31 by striking out the words

"effective date of the passage of this Act" and inserting in lieu therefor the words "July 1, 1940"

25. Amend the Rules Committee Substitute for H. B. 129 on page 16, Section 17

(1) By striking therefrom the words "the first six" in line 11 and inserting after the word "subsections" the words "five and six"

(2) By striking from line 12 the words "one and two"

Said amendments as proposed by the Committee on Rules, were each and severally agreed to.

Mr. Clay moved that the vote by which Amendment No. 2 as proposed by the Committee on Rules, was adopted be reconsidered.

Said motion was disagreed to.

Mr. Prichard moved that the vote by which Amendment No. 18 as proposed by the Committee on Rules, was adopted be reconsidered.

Said motion was disagreed to.

Mr. Neikirk offered the following amendment to said bill, viz:

No. 26. Amend the Rules Committee Substitute on page 15, section 16, line 3 by striking out the words "is permitted" and add in lieu therefor the words "is not forbidden"

Said amendment was agreed to.

Mr. Myers moved that the Rules of this House be suspended for the purpose of permitting an amendment to be

offered as a Substitute for amendment No. 18 as proposed by the Committee on Rules and as adopted by the House.

Said motion was agreed to.

Thereupon Mr. Prichard offered the following amendment to said Substitute, viz:

Amend the Rules Committee Substitute for H. B. 129 on page 72, section 115 by substituting for Section 115 the following:

Unlawful to change character of Malt Beverage after selling in original containers: It shall be unlawful to fortify, adulterate or contaminate malt beverages. It shall be unlawful to fortify, adulterate, contaminate or in any wise to change the character or purity of the malt beverages from that as originally marketed by the manufacturer, or to sell, deliver, or transport such beverages except in original containers.

Bottling at Brewery: It shall be unlawful to sell or offer for sale within the State of Kentucky any fermented malt beverages bottled or canned in any place other than the bottling house of the brewery in which such fermented malt beverages are produced.

Twelve Ounce Containers Standard: It shall be unlawful for any licensee to sell or offer for sale any bottled or canned beer unless the same be in twelve ounce containers.

Said amendment was disagreed to.

Mr. Shaikun offered the following amendment to said Substitute, viz:

No. 28. Amend the Rules Committee Substitute for H. B. 129 by inserting the following:

Any wholesale license holder may sell, transport or de-

liver distilled spirits and wine at wholesale from the licensed premises, to non-resident and non-licensed persons to be consumed without the State upon the payment of twenty-five ($25c) cents per case excise tax, the proceeds of said tax to distributed equally among the one hundred and twenty counties and to be applied to said counties general road fund or applied to interest or principle of bonded indebtedness.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hammons and Shaikun, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	John B. Mollette	Erna E. Tyra
J. F. Carr	William E. Mull	S. J. Wagner
George S. Clay	Alfred A. Naff	H. L. Waterfield
John C. Cornett	Homer Neikirk	R. E. West
C. L. Hammons	Hobart Rayburn	Lee Roy Wilson
William K. King	Hubert H. Read	Terrill A. Wilson
D. T. Matlack	Leon J. Shaikun	
Stanley C. Moebus	Gabe B. Taylor	—22

Those who voted in negative were—

William T. Baker	C. A. Hale	John C. Robinson
C. P. Bradbury	Ira W. Hulette	William T. Rollo
C. C. Byrne	John M. Hunnicutt	Carl Scheben
H. S. Cleveland	Clyde D. Lester	Parker Sims
Norman A. Curtis	Peter P. Mattingly	Wm. St. C. Stuart
F. E. Daugherty	Elmer McGlothen	Joe L. Wall
Sam Dever	J. H. McKinney	Henry Ward
Forest C. Easley	Rodes K. Myers	L. Roger Wells
Raymond Eyl	Henry Plum	J. D. White
Chas. P. Farnsley	Kleber F. Price	W. G. Williams
Ferd A. Gnau	Joe E. Robinson	James W. Young
		—33

Mr. Prichard offered the following amendment to said bill, viz:

No. 29. Amend the Rules Committee Substitute for H. B. 129 on page, 66 section 97, line 7 by inserting after the word "Act" the following: "The gift of any malt beverage on the premises of a brewery for consumption on the premises, shall be exempt from any tax by the State of Kentucky, which is exempt from any tax of the United States government"

Said amendment was disagreed to.

Mr. Prichard offered the following amendment to said bill, viz:

No. 30. Amend Rules Committee Substitute for H. B. 129 on page 8, section 6, line 10 by inserting after the word "beverages", the following: "The Administrator shall require tax paid crowns or lids to be affixed to all containers which shall be the lawful size bottle or can and shall require all malt beverages in cooperage in whatever size it may be imported or sold into Kentucky, namely one eighth, one quarter, one half and one barrel sizes which are standard in the brewing industry to have the stamps affixed to same before it shall be lawful to import the same into Kentucky. All resident breweries shall be required to affix the above mentioned crowns, lids or stamps on their products that are to be sold in Kentucky. All stamps affixed to cooperage shall be canceled when said package is opened."

Said amendment was disagreed to.

Mr. Prichard offered the following amendment to said bill, viz:

No. 31. Amend the Rules Committee Substitute for H. B. 129 on page 66, section 98, line 4 by striking out the words "to other licensed distributors"

Mr. Hammons moved that said amendment be laid on the table.

Said motion was disagreed to.

Said amendment was then disagreed to.

Mr. Shaikun offered the following amendment to said Substitute, viz:

No. 32. Amend the Rules Committee Substitute for H. B. 129 on page 14, Section 15, line 12, 14 and 15 by striking out the words "the Commission of Revenue, with the approval of the Governor, and shall be paid by the city for which he is appointed, an annual salary of not less than three thousand dollars ($3,000.00) nor" and inserting in lieu therefor the following: "by the mayor of such city and may be paid by the city an annual salary of not"

Mr. Hammons moved the Previous Question on said Amendment.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Myers moved that said amendment be rejected.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Shaikun and Gnau, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	Clyde D. Lester	Carl Scheben
William T. Baker	Peter P. Mattingly	Parker Sims
C. P. Bradbury	C. C. May	Wm. St. C. Stuart
C. C. Byrne	Elmer McGlothen	Gabe B. Taylor
H. S. Cleveland	H. H. McGuire	S. J. Wagner
Herbert Cook	J. H. McKinney	Joe L. Wall
John C. Cornett	Rodes K. Myers	L. Roger Wells
F. E. Daugherty	Henry Plum	R. E. West
Sam Dever	Kleber F. Price	J. D. White
C. A. Hale	Ed F. Prichard	John M. Williams
S. T. Hamilton	Hobart Rayburn	W. G. Williams
Ira W. Hulette	Thomas Rigdon	James W. Young
John M. Hunnicutt	Joe E. Robinson	
Ben W. Johnson	John C. Robinson	—40

The who voted in the negative were—

George S. Clay	William K. King	Leon J. Shaikun
Norman A. Curtis	Alton Mitchell	A. Frank Tabb
Forest C. Easley	Stanley C. Moebus	Henry Ward
Raymond Eyl	Alfred A. Naff	H. L. Waterfield
Chas. P. Farnsley	William T. Rollo	Lee Roy Wilson
Ferd A. Gnau	Clarence Rush	—17

And so said amendment was rejected.

Mr. Hunnicutt moved that said Substitute be adopted, as amended.

Said motion was agreed to.

Said Substitute was then adopted, as amended.

Mr. Hunnicutt moved that the House do now adjourn until ten o'clock on Wednesday, February 23,

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 23, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Geo. P. Anderson	S. T. Hamilton	Henry Plum
J. Everett Bach	C. L. Hammons	H. O. Porter
William T. Baker	Ira W. Hulette	Kleber F. Price
B. F. Bedford	John M. Hunnicutt	E. F. Prichard
F. C. Boyd	W. H. Hunt	Grover C. Ransom
C. P. Bradbury	Ben W. Johnson	Hobart Rayburn
C. C. Byrne	William K. King	Hubert H. Read
J. F. Carr	Clyde D. Lester	Thomas Rigdon
Leonard Carson	Carl Lyttle	E. S. Robey
George S. Clay	John Marshall	Joe E. Robinson
H. S. Cleveland	D. T. Matlack	John C. Robinson
T. Fowler Combs	Peter P. Mattingly	William T. Rollo
Herbert Cook	C. C. May	E. A. Rose
John C. Cornett	M. T. McCarthy	Clarence Rush
G. Cunningham	T. B. McConnell	Carl Scheben
Norman A. Curtis	Elmer McGlothen	Leon J. Shaikun
William J. Curtis	H. H. McGuire	W. S. Shanklin
Willard Q. Daniel	J. H. McKinney	Parker Sims
F. E. Daugherty	G. Samuel Milam	Wm. St. C. Stuart
L. M. Davisworth	Alton Mitchell	A. Frank Tabb
Sam Dever	Stanley C. Moebus	W. R. Tapp
Forest C. Easley	John B. Mollette	Gabe B. Taylor
A. H. Eversole	William E. Mull	Erna E. Tyra
Raymond Eyl	Rodes K. Myers	S. J. Wagner
Chas. P. Farnsley	Alfred A. Naff	Cass R. Walden
Ferd A. Gnau	Homer Neikirk	Joe L. Wall
C. A. Hale	Luster C. Oxley	Henry Ward
Ralph Hamilton	Mel Petry	H. L. Waterfield

L. Roger Wells	J. M. Williams	James W. Young
R. E. West	W. G. Williams	Mr. Speaker
J. D. White		

Mr. Gnau moved that the reading of the Journal of Monday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Taylor Young of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill entitled:

H. B. 211. An Act providing for the payment of Unemployment Compensation.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lee Roy Wilson offered the following resolution, viz:

Whereas, there has been considered before this honorable body a bill entitled "Rules Committee Substitute No. 129, and

Whereas, said bill undertakes to regulate the manufacture of and traffic in Alcoholic Beverages, and

Whereas, this bill has been before this honorable body for their consideration for a number of weeks, and

Whereas, this honorable body has not since said bill was reported had sufficient time to consider said bill and

Whereas, under Joint Resolution adopted by both the House and the Senate it was resolved that the 1938 Session of the Kentucky General Assembly be adjourned Sine Die March 1, 1938, and

Whereas, we as members of the General Assembly of the Commonwealth of Kentucky do believe that it is necessary for the welfare of the Commonwealth that we have more time in which to consider this Bill, now therefore

Be It Resolved, and this honorable body does respectfully petition his Excellency the Governor of the Commonwealth of Kentucky that the subject matter contained in House Bill No. 129 as hereinbefore entitled be included in the executive call for the Special Session of the 1938 General Assembly and therein be given consideration by each of these honorable bodies, and that further action on House Bill No. 129 be postponed indefinitely.

Said resolution was ruled out of order by the Speaker.

At the instance of the Committee on Rules, the following bills were introduced, viz:

By Mr. Naff.

H. B. 425. An Act prohibiting the payment of, or contract for, promoters' fees for or in the organization of any building and loan association in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful (1) for any fee, commission, or compensation to be paid to any corporation or person for the promotion or organization of an association, or (2) for any part of the money collected or to be collected from subscribers or shareholders to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such association, whether such fee, commission, or compensation is provided for by the contract with the proposed association, with the promoters, with the subscribers, or otherwise. This prohibition shall not be construed to affect reasonable counsel fee paid or agreed to be paid to an attorney at law, for other than promotion services.

In any case in which there has been a violation of this section, the Commissioner shall have the power to disapprove the articles upon this ground alone.

By Mr. Scheben.

H. B. 426. An Act providing for the making of district reduction loans by building and loan associations, incorporated under the laws of Kentucky, defining the rights and obligations of the borrower, and providing for the method of repayment of the loans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Building and Loan Associations, incorporated under the laws of the Commonwealth of Kentucky may also make loans on the Direct Reduction Plan. All said loans shall bear interest at such rate and be payable in equal weekly or monthly installments, and for such length of time as the Board of

Directors may determine. The applicant for such loans shall subcribe for shares or fractional shares of stock, equal, when paid up, to the amounts of such loans. Payment of dues and interest shall be credited upon such loan and shares in accordance with the direct reduction plan adopted. In consideration of making such loans upon such plan no dividend shall be declared or paid or credited upon amounts credited as dues or principal upon such loans, but all payments, made on said loans shall be first applied to interest due to date of respective payments and the balance applied as dues on principal, and interest shall be collected only on such balance. When the amount paid in as dues and credited as payment on such shares as calculated shall equal the value of a share or shares, such shares shall be considered paid in full and automatically canceled, but such cancellation shall in no manner affect or reduce the stipulated weekly or monthly installment payments provided to be paid in the note or mortgage given to evidence and secure the payment of said loan.

When any such installment becomes due and remains unpaid for six weeks after the same becomes due and payable, then all the balance of such installments, both due and to become due, shall immediately become due and payable at the option of the holder of such note, and said borrower shall be notified of said delinquency, and payment of same demanded, in writing by mail with postage prepaid to the address of said borrower as same appears on the books of the association and if said delinquent payments of principal and interest are not paid within thirty (30) days from the mailing of said notice, then all moneys paid in as dues or principal and such shares, may be forfeited by said association and applied first to the payment of interest due and the balance on principal and suit brought to enforce payment of said note and said mortgage, according to law.

By Mr. Hunnicutt.

H. B. 427. An Act authorizing the Department of Rev-

enue to require the use of crowns in collection of beer taxes; authorizing rules and regulations relating thereto; making provisions for avoiding double taxation; defining terms; providing for punishment of persons who violate the act of regulations pursuant thereto; and for other purposes.

Said bill is as follows, viz:

Be it enacted by the General Asembly of the Commonwealth of Kentucky:

§ 1. Notwithstanding the provisions of sections 4281c-1 to 4281c-25, Carroll's Kentucky Statutes, 1936 edition, and particularly of section 4281c-10, the Department of Revenue is hereby authorized at its discretion to prescribe that beer taxes be collected by means of tax crowns of such distinctive design as it may prescribe, or by means of both such crowns and stamps used as prescribed in the said Alcoholic Beverage Tax Act, or as may be directed by regulation. (This shall be in lieu of the methods prescribed in said Act.) In the event the said Department of Revenue shall authorize and require the use of tax crowns it shall be unlawful for any beer manufacturer (except to the extent beer is produced for export from Kentucky), distributor, or retailer to have in his possession any beer not having affixed thereto the appropriate crown or stamp as may be required; provided, however, that the Department of Revenue is explicitly required to provide by regulation means whereby no person authorized by law to import beer into Kentucky and repackage the same shall be under the necessity of paying tax on both the original package as imported into the state and also the retail container in which said beer is packaged and distributed.

It is also explicitly required if the Department shall order the use of tax crowns that the said Department devise and enforce by regulation means whereby the manufacturer, or manufacturers, of said crowns shall make bond in favor of the Commonwealth of Kentucky in an amount approved by the

Department of Revenue conditioned that the said manufacturer, or manufacturers, will not sell or deliver said crowns to any person except on written approval of the Department of Revenue, and that in all other respects the said manufacturer, or manufacturers, will faithfully safeguard the handling and distribution of said crowns so that the tax revenues of the Commonwealth may be fully protected.

§ 2. Any violation of this act, or of any valid regulation issued pursuant thereto, shall be punished as provided by the Alcoholic Beverage Tax Act (section 4281c-22, Carroll's Kentucky Statutes, 1936 edition).

§ 3. The term "crown" as used in this act shall be construed to mean such crowns as are used for stopping bottles, lids for the closing of the cans, and stoppers of whatever material or design for sealing containers of beer, but shall not include adhesive stamps such as the Department of Revenue is, by this act, authorized to prescribe and require.

The definitions contained in the first section (section 4281c-1, Carroll's Kentucky Statutes, 1936 edition) of the Alcoholic Beverage Tax Act are hereby adopted for purposes of this act so far as applicable.

This act shall be construed in appropriate relation to the Alcoholic Beverage Act of 1936, heretofore cited, and to the Alcohol Control Act.

By Mr. Tapp.

H. B. 428. An Act to regulate the marketing of eggs; to provide conditions under which eggs may be sold, advertised or offered for sale in the State of Kentucky. To provide for inspection by the State Department of Health, authorized agents; to provide for the enforcement thereof; to provide for grade certificates; and to provide for penalties for violation of these provisions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, firm or corporation shall sell, offer for sale, or advertise for sale eggs in the state of Kentucky, other than those of his own production, unless same eggs are sold according to their grade and bearing the proper grade certificate furnished by the State Department of Health on the bag, box, carton or crate or any other container, in which these eggs are sold.

No person, firm or corporation shall sell, offer or expose for sale or traffic in eggs unfit for human food or eggs not labeled as to grade unless same is broken in shell and then denatured so that it cannot be used for human food. For the purpose of this act an egg shall be deemed unfit for human food if it be addled or mouldy, a black rot, a white rot, a blood ring or if it has an adherent yolk, a bloody or green white or if it be incubated or if it consists in whole or in part of a filthy, decomposed or putrid substance.

§ 2. Eggs shall be sold under the following grades:

Grade A.

Grade B.

Grade C.

For the purpose of this act, the terms:

Grade A eggs mean: The shell shall be clean, sound and normal. The air cell shall not be over one-eighth of an inch in depth; and must be regular. The yolk must be well centered and must be free from visible germ development. The white shall be free from blood, meat spots and foreign bodies.

Grade B eggs mean: The shell shall be reasonably clean and sound. The air cell shall not be over 2/8 inch in depth; localized, regular, may be slightly tremulous, may show movement not in excess of ½ inch. The yolk fairly well centered and its outline moderately defined, slightly mobile, free from

visible germ development, free of other defects or blemishes. The white shall be clean. free from blood, meat spots, or foreign bodies.

Grade C eggs mean: All edible eggs not fulfilling the minimum requirements of Grades A or B.

Grade A eggs (other than eggs having been in storage 30 days or more) can be advertised or offered for sale as new laid eggs, hennery eggs, fancy eggs, day old eggs, select eggs, strictly fresh eggs, or by other terms indicating recent production.

Grade B eggs (other than eggs in storage 30 days or more) can be sold or advertised only as fresh eggs.

Grade C eggs can be sold or advertised for sale only as eggs or edible eggs.

Storage eggs mean eggs which have been in cold storage for a period of 30 days or longer. Storage eggs must be sold under the grade A, B or C, but cannot be sold, offered for sale or advertised using any words or group of words, such as, "Fresh Eggs", "Day-old eggs", "New laid eggs", or other terms indicating recent production, but such storage eggs shall be sold only as eggs or edible eggs and as Grade A, B or C according to their classification.

The term "large size", or any term of similar import shall not be applied to any eggs whose average weight is less than 24 ounces per dozen. The term "medium size" shall be applied to any lot of eggs weighing less than 24 ounces per dozen and average at least 21 ounces per dozen. The term "small size" shall be applied to any lot of eggs weighing less than 21 ounces per dozen.

A tolerance of 10% net is allowed in each of these grades which must be in the grade next lower. In retail lots at least 10 eggs in each dozen shall conform to the requirements set forth for the grade as indicated on the package or container and not more than two eggs in any dozen may be in the grade lower than the grade indicated on the package.

Grades shall be determined by candling and in all cases the final determination as to the meaning of these grade requirements shall be made by candling as defined in Section 1905a-60-3 of the Kentucky Statutes.

§ 3. For the purpose of examining eggs offered for sale and in carrying out provision of this act, the State Department of Health or its official representatives are authorized to enter on any business day during the usual hours of business, any store, market, or any other building, place or vehicle where eggs are sold or offered for sale and to make such examination as is necessary to determine the interior quality of eggs sold, offered for sale or advertised and to determine if eggs are properly graded.

§ 4. Any person or persons who violates any provision of this act or the regulations made under this act for carrying out its provisions or who fails or refuses to comply with or intends to deceive or who answers or reports falsely in response to any requirement of this act, who willfully interfers with the Department of Health and employees or agents in carrying out their duties prescribed in this act shall be guilty of a misdemeanor.

Any person, firm or corporation convicted of violating any provisions of this act shall for the first offense be subject to imprisonment not to excede thirty (30) days, or to a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or both such imprisonment and fine, and for a second or subsequent offense imprisonment for not more than ninety (90) days, and a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00), or both such imprisonment and fine.

§ 5. The State Board of Health is charged with the enforcement of the provisions of this act and for the regulations thereunder and for this purpose is required to appoint inspectors for the purpose of carrying out provisions of this act and salaries of said inspectors and other expenses incur-

red in the enforcement of this act shall be derived from funds received and as herein set forth. The State Board of Health shall make suitable rules and regulations for carrying out the provisions of this act.

All fees collected under this act shall be paid into the State Treasury and kept as a separate fund and used for paying the expenses of the administration and enforcement of this act and shall be accounted for as required by law for other funds and expenses of the board.

§ 6. Authority is hereby vested in the State Department of Health to issue grade certificates as follows: A certificate for each 30-dozen case of eggs or its equivalent to be placed on each case by the seller, and grade certificates to be placed upon container of each dozen eggs by the seller. For the issuance of each 30-dozen certificate, said Department shall collect 4c, and for the issuance of 30 one-dozen certificates, said Department shall collect 4c. Funds derived from these certificates shall be used in the enforcement of this act.

No person, firm or corporation shall sell, offer or expose for sale eggs, unless the container in which eggs are sold bears the grade certificate for the proper grade thereon issued by the State Department of Health.

§ 7. That should any section, subsection, or clause of this Act be held unconstitutional or invalid, it is hereby declared to have been the intention of the Legislature to have passed the remainder of this Act.

By Mr. Daugherty.

H. B. 429. An Act repealing and re-enacting Section Two Thousand Seven Hundred Eleven-A-One Hundred Ninety, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Two Thousand Seven Hundred Eleven A-One Hundred Ninety (2711A-190) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six, Revised Edition, is hereby repealed and re-enacted so that, when re-enacted, it shall read as follows:

(a) If any member of the National Guard shall be incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Statute 2711A-188 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

(b) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $100.00.

(c) The body of an officer or enlisted man, who dies while in active field service, or on active duty while his com-

mand is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $100.00 as allowed by Subsection B of this Section.

All disbursements under Subsections A, B and C of this Section shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

(d) If any member of the National Guard, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney-General to represent the member of the National Guard in any civil proceedings so begun. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the National Guard, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Ordered that said bills be printed and referred

To Committee on Rules.

At the instance of the Committee on Rules, the following bills were reported, viz:

H. B. 424. An Act to amend and re-enact Sec. 1, 3, 4, 6,

7, and 9 of Chapter 106 of the Acts of the 1932 General Assembly of the Commonwealth of Kentucky as amended providing for the further regulation of motor trucks, truck-tractors, semi-trailers and trailers.

H. B. 412. An Act to amend and re-enact Sec. 2739j-94 of Carroll's Kentucky Statutes, 1936 Revision relating to the motor vehicle law, and providing exemptions to certain classes of motor vehicles.

H. B. 427. An Act authorizing the Department of Revenue to require the use of crowns in collection of beer taxes; etc.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills of the following titles, viz:

H. 237. An Act to repeal Chapter 95, being Sec. 2780 to 3786, both inclusive of Carroll's Kentucky Statutes, and enacting in lieu thereof an Act relating to county patrols or county police forces.

H. B. 290. An Act to provide for the safe operation of stationary power plants.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky for the determination and establishment of minimum fair wages for such workers.

H. B 373. An Act to amend and re-enact Sec. 4191 and 4197, Kentucky Statutes, Carroll's 1936 Edition, relating to occupational licenses.

H. B. 396. An Act authorizing cities of the first, second, third, fourth, and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, etc.

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation.

H. B. 401. An Act to repeal, amend and re-enact Sec. 24, Chapter 1 of the Acts of the Second Extraordinary session of 1936, being entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency.

H. B. 407. An Act relating to the adoption of children and the adoption of a person as heir at law, the jurisdiction and venue of such a proceedings, etc.

H. B. 411. An Act to regulate the business of mining; to provide for the qualification of miners; for examination of miners before examining boards etc.

H. B. 417. An Act to promote the objects of the National Housing Act as amended by authorizing banks, saving banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act.

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth.

H. B. 421. An Act repealing, amending and re-enacting Sec. 2554c-1, Baldwin's Kentucky Statute Service, being Sec. 1 of Chapter 1 of the Acts of 1936 Regular session and providing for a referendum to be submitted to the voters of any precinct, district, town, city or county to determine when this act shall become effective in each respective precinct, etc. where under local option act, such precinct, district, town, city or county are legally dry.

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theaters, etc.

H. B. 423. An Act to repeal, amend and re-enact 1 to 8 of the Acts of the General Assembly of 1904, redistricting the the State of Kentucky into seven districts, and being Chapter 35, section 939 to 946, inclusive of Carroll's Kentucky Statutes, transferring to county of Cumberland from the third appellate district to the second appellate district.

H. Res. 81. Resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth.

H. Res. 69. Resolution authorizing Bruce Peters, to sue the Commonwealth.

H. Res. 72. Resolution authorizing and permitting

Emelia Bowen Murphy to sue the Commonwealth and the State Industrial College or either.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky to sue the Commonwealth.

H. Res. 78. Resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Hunnicutt moved that the House do now proceed with the regular order of business.

Said motion was agreed to.

Mr. Hunnicutt moved that the vote by which the Committee Substitute for H. B. 129, as amended, was adopted on yesterday, be reconsidered.

Said motion was agreed to.

(For bill and Substitute see House Journal of yesterday)

Thereafter such reconsideration, Mr. Hunnicutt moved that the vote by which the previous question was ordered be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Hunnicutt offered the following amendments, as proposed by the Committee on Rules, viz:

No. 33. Amend Substitute for H. B. 129, page 27 by striking the entire section 31½ and substituting in lieu thereof the following:

31½. Licenses Prohibited in Certain Localities. License to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located (1) within incorporated cities of the first, second, or third class, or (2) elsewhere in counties containing a city of the first, second or third class, provided said counties maintain an adequate police force under the provisions of sections 2780 to 3786, inclusive, Carroll's Kentucky Statutes, 1936 edition.

Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second, or third class, provided said counties maintain an adequate police force under the provisions of sections 3780 to 3786, inclusive of Carroll's Kentucky Statutes, 1936 edition; provided, however that despite the general policy of restricting sales by the package as hereinbefore set out, the Board may nevertheless, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within an incorporated city if: (1) substantial aggregations of population would otherwise not have

reasonable access to a licensed vendor, (2) the premises to be licensed under this proviso shall be used exclusively for the sale of distilled spirits and wine by the package and will not be used in any degree or manner, in connection with a dance-hall, roadhouse, restaurant, store or any other commercial except as a drugstore in which a registered pharmacist is employed, and (3) the part of any premises licensed under this proviso, which is available to the public shall not, except in the case of a drugstore, exceed one hundred square feet of floor space and shall not contain any chairs, benches, stools, or similar furniture or fixtures.

No. 34. Amend Substitute for H. B. 129 on page 69, section 108, line 5 by inserting after the word "otherwise", "and excepting in cities of the first and second class where signs shall be permitted unless they are located beyond the wall of a licensed premises"

35. Amend Substitute for H. B. 129, page 16, section 17, line 11 by adding after the word "subsection" and before the word "five" the word "four" and a comma so that line 11 as amended will read "thorised to the licensees provided for in subsections 4, 5 and 6 or sec."; and amend line 12 by adding the word "two" after the word "subsections" and before the word "three" so that the line as amended, will read "tion 18 and subsections two, three and six of section 96 of this Act."

No. 36. Amend the Substitute for H. B. 129 on page 51, section 56 line 4 by adding after the word "is" the word "not"

No. 37. Amend Substitute for H. B. 129 on page 50 sec. 55, line 14 by adding the word "brewers" after the word "distillers"

Said amendments were each and severally agreed to.

Mr. Hunnicutt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the negative.

The yeas and nays being required thereon by Messrs. Hammons and Prichard, were as follows, viz:

Those who voted in the affirmative were—

William T. Baker	Ben W. Johnson	Joe E. Robinson
B. F. Bedford	Clyde D. Lester	John C. Robinson
C. P. Bradbury	Carl Lyttle	Carl Scheben
H. S. Cleveland	John Marshall	W. S. Shanklin
T. Fowler Combs	Peter P. Mattingly	Parker Sims
F. E. Daugherty	C. C. May	Wm. St. C. Stuart
Sam Dever	Elmer McGlothen	Cass R. Walden
Forest C. Easley	J. H. McKinney	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Henry Plum	John M. Williams
C. A. Hale	H. O. Porter	W. G. Williams
S. T. Hamilton	Kleber F. Price	James W. Young
Ira W. Hulette	Thomas Rigdon	
John M. Hunnicutt	E. S. Robey	—40

Those who voted in the negative were—

Geo. P. Anderson	L. M. Davisworth	John B. Mollette
F. C. Boyd	A. H. Eversole	William E. Mull
J. F. Carr	Ferd A. Gnau	Alfred A. Naff
Leonard Carson	C. L. Hammons	Homer Neikirk
Herbert Cook	W. H. Hunt	Mel Petry
John C. Cornett	William K. King	Ed F. Prichard
G. Cunningham	H. H. McGuire	Grover C. Ransom
Norman A. Curtis	G. Samuel Milam	Hobart Rayburn
William J. Curtis	Alton Mitchell	Hubert H. Read
Willard Q. Daniel	Stanley C. Moebus	William T. Rollo

Clarence Rush	Gabe B. Taylor	H. L. Waterfield
Leon J. Shaikun	Erna E. Tyra	R. E. West
A. Frank Tabb	Joe L. Wall	Lee Roy Wilson
W. R. Tapp	Henry Ward	Terrill A. Wilson

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Mr. Gnau offered the following amendment, as proposed by the Committee on Rules, viz:

No. 38. Amend Substitute for H. B. 129 on page 50, section 55, line 8 by adding the words "or brewer" after the word "vinter"

Mr. Milam moved that said bill and pending amendment be made a Special Order of the Day, for to-morrow at eleven o'clock A. M.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Milam and Hammons, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	W. H. Hunt	Ed F. Prichard
B. F. Bedford	William K. King	Grover C. Ransom
F. C. Boyd	D. T. Matlack	Hobart Rayburn
C. C. Byrne	M. T. McCarthy	Hubert H. Read
J. F. Carr	H. H. McGuire	Clarence Rush
Leonard Carson	G. Samuel Milam	Leon J. Shaikun
Herbert Cook	Alton Mitchell	Gabe B. Taylor
John C. Cornett	Stanley C. Moebus	Erna E. Tyra
G. Cunningham	John B. Mollette	Joe L. Wall
Norman A. Curtis	William E. Mull	H. L. Waterfield
L. M. Davisworth	Alfred A. Naff	Lee Roy Wilson
A. H. Eversole	Homer Neikirk	Terrill A. Wilson
C. L. Hammons	Mel Petry	

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Those who voted in the negative were—

William T. Baker	Ben W. Johnson	E. A. Rose
C. P. Bradbury	Clyde D. Lester	Carl Scheben
George S. Clay	Carl Lyttle	W. S. Shanklin
H. S. Cleveland	John Marshall	Parker Sims
T. Fowler Combs	Peter P. Mattingly	Wm. St. C. Stuart
William J. Curtis	C. C. May	A. Frank Tabb
Willard Q. Daniel	Elmer McGlothen	W. R. Tapp
F. E. Daugherty	J. H. McKinney	S. J. Wagner
Sam Dever	Rodes K. Myers	Cass R. Walden
Forest C. Easley	Luster C. Oxley	Henry Ward
Raymond Eyl	Henry Plum	L. Roger Wells
Chas. P. Farnsley	H. O. Porter	R. E. West
Ferd A. Gnau	Kleber F. Price	J. D. White
C. A. Hale	E. S. Robey	John M. Williams
S. T. Hamilton	Joe E. Robinson	W. G. Williams
Ira W. Hulette	John C. Robinson	James W. Young
John M. Hunnicutt	William T. Rollo	—50

Said amendment was then agreed to.

Mr. Gnau moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

William T. Baker	W. H. Hunt	John C. Robinson
B. F. Bedford	Ben W. Johnson	William T. Rollo
C. P. Bradbury	Clyde D. Lester	E. A. Rose
C. C. Byrne	Carl Lyttle	Carl Scheben
Leonard Carson	John Marshall	W. S. Shanklin
H. S. Cleveland	Peter P. Mattingly	Parker Sims
T. Fowler Combs	C. C. May	Wm. St. C. Stuart
Herbert Cook	M. T. McCarthy	A. Frank Tabb
William J. Curtis	Elmer McGlothen	W. R. Tapp
Willard Q. Daniel	Heman H. McGuire	Carl M. Taylor
F. E. Daugherty	J. H. McKinney	S. J. Wagner
Sam Dever	Alton Mitchell	Cass R. Walden
Forest C. Easley	Rodes K. Myers	Joe L. Wall
Garland Embry	Homer Neikirk	L. Roger Wells
Raymond Eyl	Luster C. Oxley	R. E. West
Chas. P. Farnsley	Henry Plum	J. D. White
Ferd A. Gnau	H. O. Porter	John M. Williams
C. A. Hale	Kleber F. Price	W. G. Williams
S. T. Hamilton	Thomas Rigdon	Terrill A. Wilson
Ira W. Hulette	E. S. Robey	James W. Young
John M. Hunnicutt	Joe E. Robinson	Mr. Speaker

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Those who voted in the negative were—

J. F. Carr	C. L. Hammons	Leon J. Shaikun
George S. Clay	William K. King	Erna E. Tyra
John C. Cornett	Stanley C. Moebus	Henry Ward
G. Cunningham	William E. Mull	H. L. Waterfield
Norman A. Curtis	Alfred A. Naff	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the House do now recess until two-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of two-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 300. An Act amending Article 3 Chapter 85 Kentucky Statutes by adding another section defining Optometry and regulating the issual and revocation of licenses to practice Optometry and to prohibit false, misleading or bait advertising with reference to ocular examinations for eyeglasses or mountings and to authorize the State Board of Health of Kentucky to make rules and regulations governing the practice of Optometry and authorizing the Court to issue temporary and permanent injunctions for violation of any of the Kentucky Statutes in reference to Optometry and to provide penalties for a violation of any of the provisions of this Act and to amend Section 2618a-6 Kentucky Statutes by striking the words "sixty (60) days" and substituting therefor "thirty (30) days" so that said section when amended will read as hereinafter set out.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the practice of optometry as used in this Act is defined as follows: The examination of the human eye with-

out the use of drugs, medicines or surgery, to ascertain the presence or defect of abnormal conditions which can be corrected by the use of lenses, prisms, or ocular exercises and their adaptation for the aid thereof.

§ 2. It shall be unlawful for any person to:

(a) practice optometry without first procuring or having a license so to do, in this State.

(b) Falsely impersonate an Optometrist of like or different name.

(c) practice, offer or hold himself out as authorized to practice optometry or use in connection with his name any designation tending to imply that he is a practitioner of optometry if not licensed to practice under the provisions of this Act, or in accordance therewith.

(d) advertise by printed matter, radio, display or any other means the quotation of prices for a discount on or terms of payment for eyeglasses, spectacles or accessories thereto, ophthalmic lenses, frame or mounting or the phrases, "free examinations", "moderate prices", "low prices", "clinic prices", "guaranteed glasses", "satisfaction guaranteed" or any variation thereof or words of similar import.

(e) publish, directly or indirectly, any fraudulent, false or misleading statement as to the skill or method of practice of any person engaged or about to engage, in the practice of optometry or with reference to any article, or the sale thereof, used in connection therewith.

§ 3. The State Board of Health may refuse to issue the certificates provided in this Act for any of the causes listed in Section 2615 Kentucky Statutes and may suspend or revoke certificates for any of the causes for which it may refuse to grant licenses under the provisions of this Act and in addition, it may revoke a certificate under the provisions of Section 2615 Kentucky Statutes of any holder guilty of gross immorality, false statement or fraud or if any such holder has employed, hired, procured or induced any person not holding

such certificate to practice any branch of the healing art in this State including optometry or that said licensee aids or abets in the practice of any branch of the healing art including optometry any person not holding a certificate entitling him to practice, or who advertises superiority of performance of professional service in the practice, or who attempts to secure patronage by advertising prices for eyeglasses, spectacles, ophthalmic lenses, frames mountings or optometric devices, or who seeks patronage by advertising free optometric services or free examinations, or any words or phrases implying such services or who advertises or claims to guarantee any optometric service of any eyeglasses, lenses, frames or mountings, or who seeks to attract patronage by means of periodicals or who employs solicitors, canvassers or agents for the purpose of obtaining patronage, or shall publish directly or indirectly any false, fraudulent or misleading statement as to skill or method of practice of any person engaged in the practice of any branch of the healing art including optometry or with reference to the sale thereof or use in connection therewith.

Section 2618a-6 Kentucky Statutes is amended by striking the words "sixty (60) days" and substituting the words "thirty (30) days" therefor and said section when so amended shall read as follows:—

The State Board of Health is authorized to revoke, upon thirty (30) days notice, and after a fair and impartial hearing, the certificate of any Optometrist found guilty of practicing as an itinerant or peddling from door to door, or the establishment of temporary offices or the practice of Optometry outside or away from his regular office or place of business. Holders of Optometrist's certificate may, however, establish a branch office or offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination and is in charge of an Optometric holding a certificate authorizing him to practice.

§ 4. The State Board of Health shall have power to make such rules and regulations not inconsistent with law or with this Act as may be necessary for the regulation of the practice of optometry and shall have the right to institute in its own name an action or actions to enjoin the violations of any of the provisions of this Act or regulations or rules promulgated in accordance therewith and in such connection a temporary injunction may be obtained or granted as well as a permanent injunction against any offender thereof.

§ 5. Upon application the Board may in its discretion reissue a license to practice optometry that has been revoked but such application shall not be made or license reissued prior to one year after revocation and shall be made in such manner and form as the Board may prescribe.

§ 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined Fifty ($50.00) Dollars and upon each and every subsequent conviction shall be fined One Hundred ($100.00) Dollars and imprisoned thirty (30) days or either or both in the discretion of the court or jury trying the case, and each day any person violates any of the provisions thereof shall constitute a separate offense.

§ 7. If any provision of this Act or part thereof shall be held invalid, the remainder of the Act and the application of the provisions thereof shall not be affected nor impaired thereby.

Mr. Gnau offered the following amendment to said bill, viz:

Amend H. B. 300 on page 2, subsec. D lines 10, 11 and 12 by striking therefrom the words: "on or terms of payment for eyeglasses, spectacles or accessories thereto, ophthalmic lenses, frames or mountings"

Said amendment was disagreed to.

Mr. Daugherty offered the following amendment to said bill, viz:

Amend H. B. 300 by inserting the word "out" after the word "with" in line 2, page 2, section 2.

Said amendment was agreed to.

Mr. Daugherty moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. P. Bradbury	C. A. Hale	Heman H. McGuire
C. C. Byrne	S. T. Hamilton	Jas. H. McKinney
George S. Clay	C. L. Hammons	G. Samuel Milam
Herbert Cook	W. H. Hunt	Alton Mitchell
Norman A. Curtis	William K. King	Stanley C. Moebus
F. E. Daugherty	Clyde D. Lester	William E. Mull
L. M. Davisworth	Carl Lyttle	Rodes K. Myers
Garland Embry	D. T. Matlack	Alfred A. Naff
A. H. Eversole	Peter P. Mattingly	Homer Neikirk
Raymond Eyl	M. T. McCarthy	Luster C. Oxley

Mel Petry	Clarence Rush	L. Roger Wells
Henry Plum	Carl Scheben	R. E. West
H. O. Porter	Leon J. Shaikun	John M. Williams
Ed. F. Prichard	A Frank Tabb	W. G. Williams
Hobart Rayburn	W. R. Tapp	Lee Roy Wilson
Hubert H. Read	Carl M. Taylor	Terrill A. Wilson
Thomas Rigdon	Gabe B. Taylor	James W. Young
E. A. Rose	Henry Ward	—53

Those who voted in the negative were—

C. W. Anderson, Jr.	Forest C. Easley	John C. Robinson
Geo. P. Anderson	Chas. P. Farnsley	William T. Rollo
William T. Baker	Ferd A. Gnau	W. S. Shanklin
B. F. Bedford	Ira W. Hulette	Parker Sims
F. C. Boyd	John M. Hunnicut	Erna E. Tyra
J. F. Carr	Ben W. Johnson	S. J. Wagner
John C. Cornett	C. C. May	Cass R. Walden
G. Cunningham	Elmer McGlothen	Joe L. Wall
Willard Q. Daniel	Grover C. Ransom	H. L. Waterfield
Sam Dever	Joe E. Robinson	J. D. White

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Resolved that the title thereof be as aforesaid.

Mr. Daugherty moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 180. An Act repealing, amending and re-enacting Section 2739-52, Kentucky Statutes, Carroll's 1936 edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739-52, Kentucky Statutes, Carroll's

1936 edition, be and the same is hereby repealed, amended and reenacted, so that as amended and reenacted, said section shall read as follows:

"The owner, tenant or occupant of any land on which a coal mine is opened and worked, or his superintendent shall permit any person interested in, or having title to, any land coterminous with that in which such coal mine is to have ingress and egress with surveyors and assistants to explore and survey such mine at his own expense, and not oftener than once a month for the purpose of ascertaining whether or not the preceding section has been violated. After one or more of such surveys have been made, then adjoining owner shall have the right, not oftener than once every thirty days thereafter, to ingress and egress to such coal mine, with or without a surveyor or assistant, to enter said mine for the purpose of making such inspections. Every owner, tenant, occupant or superintendent who shall refuse such permission, exploration, or survey shall be liable to the person so refused in the sum of twenty dollars for each refusal, for which the person so refused may maintain an action as provided by law.

"The judge of the county in which such mine is located, before whom complaint of such refusal is made, shall issue a summons to such owner, tenant, occupant or superintendent to answer such complaint. On the return of the summons executed, and proof that the complainant has right of entry, and that he has been refused without sufficient cause, the judge shall designate an early and convenient time for such entry to be made and issue his warrant commanding the sheriff of the county to attend and revent obstruction and impediments to such entry, exploration and survey, the cost of such summons, and a fee of three dollars to the sheriff executing the warrant shall be paid by the person whose refusal caused the complaint. But if the judge dismisses the complaint, the cost

shall be paid by the party making it; provided however, that either party may have the right of appeal as in other actions."

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statutes, pertaining to jurisdiction of Notary Publics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A notary public appointed for any county of the state, upon filing in the county clerk's office in any county in the state, his autograph signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as such notary public, and paying to said county clerk, where said signature and certificate are filed, a fee of one dollar, may exercise all the functions of his office, in the county in which such autograph signature and certificate are filed with the same effect in all respects as if the same were exercised in the county in which he resides and for which he was appointed. The county clerk of a county in whose office any notary public has so filed his autograph signature and such certificate shall, when so requested, subjoin to any certificate of proof or acknowledgment signed by such notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his autograph signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of such notary public and believes that the signature to such proof or acknowledgment is genuine, and thereupon the instrument so proved or acknowleged and certified shall be entitled to be read in evidence or to be recorded in any of the counties of this

state in respect to which a certificate of a county clerk may be necessary for either purpose.

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a23 to and including 165a-61 of Baldwin's 1936 revision of Carroll's Kentucky Statutes, and being a part of Chapter seventeen of the Acts of the General Assembly of 1932, relating to banking and securities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(a) "Security" shall include any note, stock, treasury stock, bond, debenture, transferable share, voting trust certificate, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, royalty or title, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(b) "Person" shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political sub-division thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(c) The terms "sale," "sell," "offer to sell," or "of-

fer for sale," shall include every sale, resale or disposition of, attempt or offer or solicitation to dispose of, or solicitation of an offer to buy, or public offering, promotion, repromotion, or promotional distribution, of a security or interest in a security, for value; and shall include an exchange, an option of sale, a subscription or an offer to sell or to invite offers for or inquiries about securities by personal solicitation, directly or by telephone, or by an agent, or by letter, circular, radio, advertisement or otherwise; except that such terms shall not include preliminary negotiations or agreements between an issuer and any underwriter. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other things, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

(d) "Dealer" shall include every person other than a salesman who in this state engages either for all or part of his time directly or through an agent in the business of selling any security whether exempt or not exempt issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or pretended purchases or sales of such securities, provided that the word "dealer" shall not include a person having no place of business in this state who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. An issuer of securities, selling such securities in this state, shall be deemed to be a dealer. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky,

the total value of which notes do not exceed 70 per cent of the fair and reasonable value of the property on which they are a lien and do not exceed twenty-five thousand dollars, shall not be dealers within the meaning of this section or act.

(e) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation trust or unicorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(f) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issuer to sell, buy, offer for sale, offer to buy or otherwise deal or trade in securities in any manner in this state. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(g) "Agent" shall mean salesman as hereinabove defined.

(h) "Director" shall mean the Director of the Division of Securities.

(i) "Broker" shall mean dealer as herein defined.

(j) "Fraud" and "fraudulent" shall include any misrepresentation in any manner of a relevant fact, such misrepresentation being intentional or due to gross negligence; any promise or representation or prediction as to the future not made honestly or in good faith, or the intentional failure to disclose a material fact: Provided, however, that nothing contained herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity.

§ 2. *Exempt Securities.* Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or any insular possession thereof or by the District of Columbia or by any state or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by a federal land bank or joint stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charges or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or any state, territory or insular possession thereof, or any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof; also equipment notes or bonds based upon chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the

laws of the United States, or any state, or the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational. benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities issued, outstanding and fully listed on the New York Stock Exchange, New York Curb Exchange, and the Chicago Stock Exchange which securities have been so listed upon application of the issuer and pursuant to official authorization by such exchanges, and also all securities of equal or senior rank to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed; such securities to be exempt only so long as such listing shall remain in effect: provided the Director may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned.

(g) Any security a direct obligation of or payment thereof guaranteed by a state bank, trust company, title company, real estate mortgage company engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institutions incorporated under the laws of this or any state subject to the examination, supervision and control of this or any state or territory of of the United States or any insular possession thereof.

(h) Negotiable promissory notes or commercial paper issued, given or acquired in a bona fide way in the ordinary of legitimate business, trade or commerce, where such notes or commercial paper are not made the subject of a public offering.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this state for the purpose of doing business in this state, to enable it to transact business under Section 543 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or other remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, good will, trade marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the Director a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this state.

§ 3. *Exempt Transactions.* Except as hereinafter expressly provided the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this act, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or his representative for the owner's account,

such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner or on his accounts by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus, or the issue of securities to the security holders or other creditors of a corporation in the process of bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery of securities to any broker or dealer; provided, that such broker or dealer is actually engaged in buying and selling securities as a business; and provided further that such broker or dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) Transactions by registered dealers, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders, where there is no intent to avoid the provisions of this act or not involving a public offering: Provided, That such dealer shall keep and maintain for a period of two years from the date of the order a record of all such transactions executed upon customers' orders, giving the name and address of each such customer, the name and identity of the security or securities involved, the date of such transactions, the price paid for or received for such security or securities, and the commission or other expenses charged to such customer.

§ 4. *Securities Required to be Registered—Resale—Rights and Conversions.* No securities, except of a class exempt under any of the provisions of section 2 of this act, or unless sold in any transaction exempt under any of the provisions of section 3 of this act, shall be sold within this state unless and until such securities have been registered by notification or by qualification as hereinafter provided, unless they fall within the classification of securities to be registered for resale or for trading purposes, as provided in section 9 of this act. However, registration of any security shall be deemed to include the registration of any right or conversion privilege embodied in or made a part of such security but the registration of such right or privilege shall not be deemed to be a registration of the security to be issued or exchanged for such right or privilege, and such security to be exchanged for such right or privilege shall be registered before such exchange, and if such right or privilege is imme-

diately exercisable upon its registration such security to be exchanged for such right or privilege shall be registered at the same time the security bearing such right or privilege is registered: Provided, further, that the exemption of sales of securities in the transactions enumerated in said section 3 of this act shall have application only to the sales of such securities as are directly involved in such transactions, and such securities shall not thereafter be sold unless and until duly registered or subsequently sold under the exemption provisions of said section 2 or 3.

A record of the registration of securities shall be entered in a register of securities to be kept in the office of the Division of Securities, in which register of securities shall also be recorded any orders, entered by the Director with respect to such securities, and such register and application with respect to the securities registered therein shall be open to public inspection.

§ 5. *Registration by Notification.* The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(a) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation for not less than three years, and which has shown during a period of not less than two years or more than ten years next prior to the close of its fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(1) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon

and upon all other outstanding interest bearing obligations of equal rank.

(2) In the case of preferred stock, not less than one and one-half times the annual dividend requirements of such preferred stock and on all other outstanding stock of equal or senior rank.

(3) In the case of common stock, not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

(b) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(c) Any bond or note secured by first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or leases), or upon city, town or village real estate or leaseholds situated in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada as follows:

(1) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(2) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds,

does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(3) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by first mortgage does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid, and when said mortgaged property will have a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds or notes are construction bonds or notes and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (c) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligation above in clauses (2) and (3) provided, unless all

advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall be in bold type not less than 18 points upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (c) the term "Mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 6. *Registration by Notification—Procedure—Information Required—Fees.* Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the Director of a statement with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the state.

(d) A brief statement of the facts which show that the security falls within one of the classes defined in section 5.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (a) or (b), if the prospectus to be used for public offering is not filed with the statement, then a copy of such prospectus shall be filed in the office of the Director within five days thereafter or within such further time as the Director may allow.

In the case of securities falling within the class defined by subsection (c), the prospectus to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the Director and the payment of the fee hereinafter provided shall con-

stitute the registration of such security. Upon such registration, such securities may be sold in this state by any registered dealer giving notice in the manner hereinafter provided in section twelve, subject, however, to the further order of the Director as hereinafter provided.

If, at any time in the opinion of the Director the information contained in the statement or prospectus filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition the Director may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the Director to ascertain whether the sale of such security would be fraudulent or deceitful, or would result in fraud, or imposition and the Director may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the person filing such statement and every registered dealer who shall have notified the Director of an intention to sell such security. The refusal to furnish information required by the Director within a reasonable time to be fixed by the Director may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until further order of the Director.

In the event of the entry of such order of suspension the Director shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the Director shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with

respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of section seven. Appeals from such final order may be taken as hereinafter provided. If however, upon such hearing, the Director shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the application as hereinbefore prescribed in this section, the applicant shall pay to the Division of Securities a fee of one-twentieth of one per centum (1/20th of 1%) of the aggregate price at which such securities are to be sold in this state, but in no case shall such fee be less than twenty-five dollars or more than one thosuand dolars for each class of securities for which registration is sought.

§ 7. *Registration by Qualification—Procedure—Information Required—Fees.* All securities required by this act to be registered before being sold in this state, and not entitled to registration by notification, shall be registered by qualification in the manner provided by this section, unless they fall within the classification of securities to be registered for resale or for trading purposes, as provided in section 9 of this act.

The Director shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the Division of Securities and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell same within this state.

The Director shall require the applicant to submit to him the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The name under which the issuer is doing or intends to do business.

(b) The name of the state or other sovereign power under which the issuer is organized.

(c) The location of the issuer's principal business office and of its principal office in this state, if any.

(d) The names and addresses of the directors, trustees, and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined) of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(e) The purpose of incorporation (if incorporated) and the general character of business actually to be transacted by the issuer, and the purpose of the proposed issue.

(f) A statement of capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than ninety (90) days prior to the date of filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which the application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such such issuer and or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this state.

(g) A statement of the amount of the issuer's income, expenses and charges during the last three years, or if in actual business less than three years then for such time as the issuer has been in actual business.

(h) A statement showing the price at which such secur-

ity is proposed to be sold, together with the maximum amount of commission or other form remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(i) A detailed statement showing the items of cash, property, services, patents, good-will and any other consideration for which such securities have been or are to be issued in payment, and the Director may fix the amount of stocks, bonds or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, good-will, promotion and intangible assets at a value he should find same to be worth.

(j) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(k) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already filed in the office of secretary of this state. If the issuer be a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization whatsoever there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization if not already filed in the office of the secretary of state of this state.

(l) The names and addresses of the underwriters, if any.

(m) A copy of any agreement or agreements (or, if identic agreements are used, the forms thereof) made with any underwriter or dealer.

The Director may in his discretion limit the amount of

securities that may be registered at any one time of any one issue.

All of the statements, exhibits and documents of every kind required by the Director under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the Director.

At the time of filing the application as hereinbefore prescribed in this section, the applicant shall pay to the Division of Securities a fee of one-twentieth of one per centum (1/20th of 1%) of the aggregate price at which such securities are to be sold in this state, but in no case shall such fee be less than twenty-five dollars or more than one thousand dollars for each class of securities for which registration is sought.

If upon examination of any application the Director shall find that the sale of security referred to therein would not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that the enterprise or business of the issuer is not based upon unsound business principles, then upon the payment of the fee provided in this section, he shall record the registration of such security in the register of securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the Director of his intention so to do, in the manner hereinafter provided in section twelve, subject, however, to the further order of the Director as hereinafter provided.

§ 8. *Escrow Agreement—Impounding of Funds.* If the statement containing information as to securities, as provided for in section seven of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright trade-mark, process, lease, formulae or good-will, or for promotion fees or expenses or for other intangible assets, the amount and nature thereof shall be fully set forth and the Director shall require that such

securities so issued in payment of such patent right, copyright, trade-mark, process, lease, formulae or good-will, or for promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the Director under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said Director to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

Whenever it shall appear in the filing of an application for registration under section 7 of this act that the funds to be obtained from the sale of any security sought to be registered are to be used for promotional purposes, the Director shall cause to be impounded in a bank or trust company selected by the issuer, and approved by the Director, such an amount from the proceeds of the sale of the securities as will insure completion of the promotional project; but in no event shall the amount so impounded be less than fifty (50%) per cent of the total amount of money to be raised from the sale of the securities registered.

§ 9. *Registration of Outstanding Securities for Release or for Trading Purposes.* Any security the entire issue of which has been issued and is outstanding in the hands of the public, or any stock of the same rank and parity lawfully issued by way of stock split-up or a stock dividend thereon, and which may not be lawfully sold or offered for sale by reasons of an exemption under section 2 of this act, or in an exempted transaction under section 3 of this act, may be registered for resale or for dealing in or trading purposes by

filing by a registered dealer or registered dealers in the office of the Director:

1. (a) The name and description of the security sought to be registered.

(b) Notice of intention to offer for release or to deal or trade generally in any such security.

2. If requested by the Director there shall also be filed:

(a) A statement, with such supporting data or verifications as may be available, evidencing the fact that such security and the entire issue of which such security is a part was issued and was outstanding in the hands of the public prior to the effective date of this act, or that such security consists of stock of the same rank or parity lawfully issued by way of stock split-up or a stock dividend thereon;

(b) The price at which such security is to be offered for resale, if presently known, and if not known then the method or formula for arriving at the offering price from time to time and such additional information as the dealer has tending to establish the fairness of such price;

(c) A copy of the latest available balance sheet or other available financial data tending to establish the condition of the issuer thereof.

If it shall appear to the Director from the information so filed with him or otherwise available to him that such security, or the price at which it is to be sold, or the methods of the sale are such as would work or tend to work a fraud on the purchasers thereof, the Director shall, after notice and opportunity to be heard or after a hearing thereon, refuse registration thereof; otherwise he shall register such security for resale or for dealing and trading generally therein by registered dealers, subject to the provisions of Sections 10 and 18.

A registration fee of $25.00 shall be paid at the time of registration under this section.

The Director may duly fix at not exceeding twenty per

centum the maximum amount of commission or other form of remuneration which the Dealer submitting application for registration under this section may receive.

§ 10. *Consent to Service.* Upon any application for registration by notification under section five made by an issuer, and upon any application for registration by qualification under section 7, whether made by an issuer or registered dealer, where the issuer is not domiciled in this state, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this state in which the plaintiff may reside, or in the which contract was made, by the service of any process or pleading authorized by the laws of this state, on the Director of the Division of Securities, said consent stipulating and agreeing that such service of such process or pleadings on such Director shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the Director, it shall be by duplicate copies, one of which shall be filed in the office of the Director and the other immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be con-

clusively considered the permanent address of the issuer until the Director has been notified of a new one, against which said process or pleadings are directed.

§ 11. *Revocation, Suspension, of Issuer's Registration —Annual Reports of Issuers—Examination of Issuer's Affairs—Termination of Registration.* The Director may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security, either in the performance of routine duties, or upon field examination, or upon hearing, it shall appear that the issuer of the security:

(a) is insolvent; or

(b) is of bad business repute; or

(c) does not conduct its business in accordance with law; or

(d) that its affairs are in an unsound condition; or

(e) that the enterprise or business of such issuer or the security is not based upon sound business principles; or

(f) that the issuer of the security has violated any of the provisions of this act, or any order of the Director of which such person had notice, relating to the registration or sale of such security; or

(g) has been or is engaged or is about to engage in fraudulent conduct with regard to issues being issued or about to be issued by it, or with regard to issues registered by it; or

(h) is in any other way acting dishonestly or has made any fraudulent representations in any prospectus or in any circular or other literature distributed concerning the issuer or its securities, or the security registered; or

(i) has knowingly made or caused to be made to the Director any false representation of a material fact, or has suppressed or withheld from the Director any formation which such person possesses, and which if submitted by him

would have rendered such security incompetent to be registered under this act; or

(j) has refused to permit an examination to be made by the Director, or has failed to file any annual report required by this act, within the time fixed by the Director for filing such report, or to pay the fee required for the filing and examination of any such report, or to file any report or furnish any information that may be required by the Director under the provisions of this act.

In connection with any such examination the Director may require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either in this state or in any other state where the issuer's business is located, approved by the Director.

Whenever the Director may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as such Director shall point out or to be brought down to the latest practicable date.

A verified annual report in such form as the Director may prescribe giving complete current financial information regarding each security and the issuer of each security registered, including therein a report as to the number of securities sold in Kentucky, and the aggregate sale price thereof, by virtue of such registration, shall be filed with the Director by the issuer as of the close of business December 31st of each year, or as of such other dates as fixed by the Director, such reports to be on file with the Director within sixty days following such dates and the filing thereof to be accompanied by a filing fee of $5.00. Discontinuance of such annual reports shall take place upon the filing of a verified statement showing either that such security is fully sold and outstanding, or that the issuer desires cancellation by the Director of the unsold part of such issue of such registered security,

whereupon appropriate orders shall be entered by the Director, but such discontinuance of reports or such cancellation shall not prevent the Director from investigating such issuer or any sale or sales or any circumstances connected with the registration or sale of such security or from taking any action authorized by law.

If the Director shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation, provided that the order shall state the Director's grounds for taking such action.

Notice of the entry of such order shall be given in writing, served personally or sent by mail or by telegraph, to the issuer and to every registered dealer who shall have notified the Director of an intention to sell such security.

Before any final order of revocation is entered the issuer shall, upon application, be entitled to a hearing.

§ 12. *Registration of Dealers and Salesmen—Information Required—Renewals—Fees.* No dealer or salesman shall engage in business in this State as such dealer or agent or sell any securities including securities exempted in Section two of this Act, except in transactions exempt under Section three of this Act, unless and until such dealer or salesman has been registered as a dealer or salesman in the office of the Director pursuant to the provisions of this section: Provided, that partners of a partnership or the executive officers of a corporation or association registered as a dealer shall not be required to register as agents under the provisions of this section.

Every dealer before engaging in business in this State shall file in the office of the Director an application for registration in writing in such form as the Director may prescribe, duly verified by oath, which shall state the location of such dealer's principal office and all branch offices in this state, if any, the name or style of doing business, the names, residence and business adresses of all persons interested in

the business as principals, partners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and the length of time the dealer has been engaged in business.

Every applicant for an original license as dealer shall publish notice of the filing of such application once, in form prescribed by the Director, in a daily newspaper of general circulation in the city where the applicant's principal place of business is located, or in the city of Frankfort if the applicant has no such place of business in this State, and proof of such publication shall be filed with the Director of Securities.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Director in actions against such dealer in manner and form as provided in Section ten of this Act.

Application for registration of an agent shall be made only by the registered dealer desiring to employ such agent, and shall be signed and sworn to by the person seeking registration as an agent, and shall be in such form and shall furnish such information as the Director shall prescribe. No person shall be eligible for registration as salesman for more than one dealer at the same time.

The Director may require such additional information as he may deem necessary in connection with any application for registration of a dealer or salesman.

The Director shall examine such application for registration of a dealer or salesman and shall make further examination of the applicant and its affairs as he shall deem advisable. If from such examination, the Director shall be satisfied that such application should not be refused upon one or more of the grounds as specified under section thirteen of this Act, he shall register such applicant as a dealer, or agent, as the case may be.

The names and addresses of all persons approved for registration as dealers or agents and all orders with respect

to such registration shall be recorded in a register of dealers and salesmen kept in the office of the Director, and the names of all dealers and salesmen, and the orders of the Director relating to such registration, shall be open to public inspection.

Every registration under this section shall expire on the thirty-first day of December next after the date of registration, but the Director shall renew such registrations for the ensuing year upon the filing of written renewal applications, to be prescribed by the Director, and the filing of any additional statements or information required by the Director.

Applications for such renewals of registration shall be received by the Director not more than sixty days before the first day of the ensuing year, and shall be filed not later than thirty days prior to the first day of the ensuing year; otherwise such renewal application shall be treated as an original application.

The filing fee for registration or renewal thereof shall be one hundred dollars ($100) in the case of a dealer, and five dollars ($5.00) in the case of a salesman, and such fee shall be paid to the Director at the time of filing such application for registration or renewal.

Changes in registration occasioned by changes in the personnel of a partnership or in the principals, copartners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the Director in writing of his intention to do so. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale and whenever a dealer shall have prepared such notice and shall have forwarded the same by mail to the Director, such dealer, as to the contents of such notice and filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of a

security required to be registered under the provisions of this Act, selling such security except in exempt transactions as defined in Section three hereof, shall be deemed a dealer within the meaning of this Section and required to comply with the provisions hereof.

§ 13. *Refusal, Revocation, Suspension, of Dealer's or Agent's Registration—Procedure—Examination of Dealer's Books—Reports—Audits.* The Director may refuse the registration of any dealer or agent, or may revoke any registration theretofore granted, by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of such applicant or registrant so registered, either in the performance of routine duties, or upon field examination, or upon hearing, it shall be determined that such applicant or registrant so registered:

(a) is insolvent, if a dealer; or

(b) is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or agent; or

(c) does not conduct his business in accordance with law, or has violated any provisions of this act; or

(d) is in such financial condition that he cannot continue in business with safety to his customers; or

(e) has been guilty of fraud in connection with any sale or purchase of securities; or

(f) has made any misrepresentations or false statement to, or concealed any essential or material fact from, any person in the sale to or purchase from such person of any security; or

(g) has knowingly made or caused to be made to the Director any false representation of a material fact, or has suppressed or withheld from the Director any information which such applicant or registrant possesses, and which if submitted by him would have rendered such applicant or registrant incompetent to be registered under this act; or

(h) has failed to account to persons interested for all money or property received; or

(i) has not delivered, after a reasonable time, to persons entitled thereto, securities held or agreed to be delivered by the dealer, as and when paid for and due to be delivered; or

(j) is selling or offering for sale securities through any solicitor or agent not registered in compliance with the provisions of this act; or

(k) has taken grossly unfair advantage of a customer in any security transaction; or

(l) has refused to permit an examination by the Director of its books and affairs, or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Director under the provisions of this act; or

(m) has been convicted of a felony or any misdemeanor of which an essential is fraud.

It shall be sufficient cause for refusal or revocation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual dealer or agent.

All registered dealers shall keep and maintain at all times in their principal places of business, complete and suitable records of all transactions in all the securities whatsoever purchased and sold by them, together with such books, papers and data as will clearly reflect the financial condition of the securities business of such dealers, and every dealer shall, at such times as may be required by the Director, make and file in the office of the Director a true and correct statement in such form and containing such data as the Director may require of the business of such dealer; and the Director may at any time require any such registered dealer under this act to

have an audit made of his books and records by a public accountant to be selected by the dealer from a list of public accountants approved by the Director, or by any other public accountant first approved by the Director, and to file a certified copy thereof with the Director: Provided, That the requirements of this paragraph shall not apply to any bank or trust company registered as a dealer which is supervised and examined by the Division of Banking of this state.

If the Director shall deem it necessary he may enter an order suspending the registration of any dealer or agent pending any investigation, provided that the order shall state the Director's grounds for taking such action; and notice of the entry of such order shall be given in writing, served personally or sent by mail or by telegraph to the dealer and the agent or agents affected thereby.

Before any final order is entered, refusing registration to any dealer or agent or revoking any registration theretofore granted, the applicant or dealer affected thereby shall upon request be entitled to a hearing; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of any agent of the dealer.

§ 14. *Burden of Proof.* It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceedings laid or brought under this act and the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classification.

§ 15. *No Repeal of Corporation Laws.* Nothing in this act shall be construed to relieve corporations from making reports now or hereafter required by law to be made to the secretary of state or any other state officer or paying the fees now or hereafter to be paid by corporations. This act shall not be construed to repeal any law now in force regulating the organization of corporations in this state or the admission of

any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regulating the organization of a corporation under the laws of this state or the admission of a foreign corporation to do business in this state.

§ 16. *Certificate of Director—Admissibility in Evidence.* In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the Director or his deputy showing compliance or noncompliance with the provisions of this act respecting the security in question or respecting the security in question or respecting compliance or noncompliance with the provisions of this act by any issuer, dealer or agent or salesman shall constitute prima facie evidence of such compliance or such noncompliance with the provisions of this act, as the case may be, and shall also be admissible in evidence in any action at law or in equity to enforce the provisions of this act.

§ 17. Certified Copies of Statements and Documents—Admissibility. Copies of any statement and documents filed in the office of the Division of Securities and of any records of the Division certified to by the Director or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 18. *Fraudulent or Deceitful Sales — Impositions.* Whenever it shall appear to the Director, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement or distribution of any securities within this state, including any security exempted under the provisions of section two, or in any transaction exempted under the provisions of section three, any person, as defined in this act, or person acting for him shall have employed, or employes, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money

or property by means of any false pretense, representation or promise, or that any such person shall have made, makes or attempts to make in this state fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred to as fraudulent or deceitful practices, or practices that would work an imposition, the Director shall investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or transactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the attorney general in the Franklin circuit court or through the commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 19. *Remedies.* Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or

aided in any way in making such sale shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by the purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest or such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interest bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 20. *Appeals.* An appeal may be taken by any person interested and affected thereby from any final order of the Director to the Franklin circuit court by serving upon the Director within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such

appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the Director shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with the clerk of the said court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the Director and that is contained in the transcript upon which the appeal is taken. If the order of the Director shall be reversed said court shall by its judgment specifically direct said Director as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained, provided that the Director shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application, provided such application is not otherwise barred or limited. Such appeal from the finding of the Director shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the judgment of said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said Director in the granting or refusing to grant a license or permit to transact business in this state, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said Director to make investigation as to revoke any such license or permit on complaint as herein provided, shall be subject to review in a suit

or other proper proceeding in the Franklin circuit court by any person, firm or corporation feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 21. *Powers of Director—Rules and Regulations.* The Director shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 22. *Power to Examine and Administer Oaths—Expenses.* The Director may within his discretion when and as soon as may be after an application has been filed with the department make a careful inspection and examination of and concerning the application, the personnel of the applicant issuing person, its books, records, files, accounts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the Director may deem necessary. The expense of making such inspection and examination shall be borne by the applicant, who when requested by the Director shall make a cash deposit with the Director sufficient to pay the expert inspector or accountant $25.00 per day and his actual expenses and this right of examination and inspection shall be inherent and continuing in the Director and may be exercised from time to time by him as deemed necessary within his discretion.

§ 23. *Examination upon Complaint—When and How Made—Expense.* Should it at any time upon information,

complaint or otherwise, appear to the Director that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to the time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such examinations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examination, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the Director to make such examination, inspection or investigation has been filed in the office of the Director, and should the Director in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary expense of making such examination, inspection or investigation.

§ 24. *Misleading Advertisements—Liabilities.* In addition to the liability now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisement of any kind shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any false or misleading statement

contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and director thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any untrue statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

§ 25. *Advertisement of Securities.* It shall be unlawful hereafter, except as to exempt securities, as provided in section two, and securities that may be sold and offered for sale on notification as provided in section five:

(a) To advertise in this state, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise; or

(b) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear; or

(c) To circulate any prospectus, price list, order blanks or other matter for the purpose of including or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold

or to be sold in one of the transaction exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the Director.

§ 26. *Certain Information and Records Open to Inspection by Public.* All information received by the Director shall be kept open to public inspection at all reasonable hours, and the Director shall supply to any applicant upon payment of fee therefor copies of any papers or record with the Director, but the Director shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the Director, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the Director. A certificate under the hand of the Director or his deputy, showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and shall be admissible in evidence in any proceeding, either civil or criminal, instituted under any of the laws or statutes of this state.

§ 27. *Warning to Public.* The Director may when he deems it of public interest so to do issue and give warnings in such manner as he thinks necessary to the public concerning securities being sold in this state.

§ 28. *Fees Paid into State Treasury—Expenses of Administration.* All fees herein provided for shall be collected by the Director and shall be paid over to the State Treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the Director first approves expert inspector, auditor, or accountant and permits the person examined to pay the fees directly to him. All ex-

penses of the administration of this act, including salaries, clerk hire, postage, printing, stationery and the like shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the Director.

§ 29. *Commission for Sale of Securities.* It shall be unlawful for any person, firm, corporation or association to pay or agree to pay directly or indirectly, in consideration for the sale of any of the securities included in this act a commission or fee greater than twenty (20) per cent.

§ 30. *Construction of Act.* No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this act, may be carried out.

§ 31. *Penalty for Refusal to Obey Order of Director.* Any person who shall refuse to make answer to any competent and material question propounded to him by the Director, or his deputy, shall upon conviction in any court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 32. *Penalty for False Statements.* Any person who, under oath makes a false answer to any competent and material question in any hearing before the Director, special inspection, examination or investigation, shall be guilty of false swearing, and upon conviction shall be punished as prescribed in Section 1174 of the Kentucky Statutes.

§ 33. *Penalty for Filing Fake Statement with Director.* Any person who shall make or file, or cause to be made or filed with the Director under or in compliance with any of the provisions of this act, any statement, document, or other paper

sworn to by him and which is false in any material respect or matter shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in Section 1174 of the Kentucky Statutes.

§ 34. *Penalty for Sale of Securities of Insolvent Issuer.* Any issuer or agent, salesman, dealer or broker of or for any issuer knowing such issuer to be insolvent, who shall offer to sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 35. *Penalty for Violations of this Act.* Any person who wilfully does, or aids or advises in doing any act that is not included in and punished by sections thirty-one, thirty-two, thirty-three, and thirty-four of this act, and that is prohibited or made unlawful by any of the provisions of this act, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 35½. *Savings Clause.* Any proceedings, civil or criminal, which are now pending under the law or laws or parts of laws hereby repealed, shall not be affected by such repeal, nor shall such repeal invalidate any deposits in escrow or contracts entered into by the issuer of securities for the benefit or security of any persons; and the Director shall proceed in all respects, touching such contracts and escrows as if such law had not been repealed; and rights of action conferred, or duties, restrictions, liabilities or penalties imposed or required by or under such law or laws or parts of laws upon or of any corporation or person subjected to such law or

laws or parts of laws before this act become effective shall not be impaired or abrogated by such repeal, but every such corporation or person shall, as to all actions hereafter performed be subject to the provisions of this act. All securities which are now registered under any previous law of this state, and which registration is unrevoked or unsuspended on the date of the taking effect of this act shall be deemed to be registered under this act but all provisions of this act with respect to suspension and revocation and with respect to any powers of the Director shall apply to said registrations and securities as applied to registrations and securities which shall hereafter be registered under this act. All registrations of dealers or agents granted by the Division of Securities for the year 1938 and expiring December 31, 1938, under any previous law of this state and which registrations are unrevoked or unsuspended on the date of the taking effect of this act, shall be deemed to be in effect under this act for the year 1938, and in all other respects such dealers and agents shall be subject to the provisions of this act.

§ 36. *Constitutionality.* Should the court declare any section or clause of this act unconstitutional, then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

§ 37. *Statutes Repealed.* That Sections 165a-23 to and including 165a-61 of Baldwin's 1936 Revision of Carroll's Kentucky Statutes, and all acts or parts of acts in conflict herewith, be and the same are hereby repealed.

S. B. 135. An Act to amend and re-enact Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to when business may begin, powers of corporation, powers to discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent

such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pledging of certain assets to secure a loan in case of a transfer of deposit liability.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows, to wit:

When the articles are filed and recorded as above provided it may commence business and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued; to appoint, remove and elect officers, define their duties, and require from any of them a bond for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with laws; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing interests thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security, as provided in this article. Any bank or trust company may accept for payment at a future date drafts or bills of exchange drawn upon it by its customers and issue letters of credits authorizing the holders thereof to drawn drafts upon it or its correspondents at sight or on time, not exceeding one year, and may also accept drafts or bills of exchange drawn upon it, having more than six months' sight to run, growing out of transactions involving the importation or exportation of goods, and any bank or trust company may discount acceptances which are based upon the importation or

exportation of goods, and which have a maturity at time of discount of not more than three months and are endorsed by at least one other bank or trust company, but no bank or trust company shall accept such drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus, except by authority of the Director of the Division of Banking under such general regulation as said Director may prescribe, and in no event to an amount exceeding the capital stock and surplus of such bank or trust company; and such regulations shall apply to all banks or trust companies alike regardless of the amount of capital stock and surplus. In addition to the powers heretofore conferred upon and now possessed by banks, trust companies and combined banks and trust companies doing business under the laws of this State, they are hereby authorized and empowered and subject to existing statutory or charter limitations to pledge such portion of their assets as may be required by law as collateral security for government deposits made with them, or any of them, by or under the authority of the United States, or for any other deposit required by laws to be secured. Provided, however, that notwithstanding any provision of this Act or of any law of this Commonwealth or of any political subdivision thereof requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured under the provisions of Section 12B of the Federal Reserve Act, as amended, or any amendments thereto, and provided that if a bank proposes to sell its assets and transfer its deposit liability to another bank and if the purchasing bank is unwilling to accept a sufficient amount of the assets to cover the liability to depositors and other creditors, the selling bank may pledge all or a part of its remaining or unacceptable assets to secure a loan for an amount sufficient to cover the remaining liability

to the depositors and other creditors with the consent of the Director of the Division of Banking.

All laws and part of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered that said bills be printed and referred

To Committee on Rules.

Mr. Taylor Young of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. 157. An Act to provide that members of the General Assembly shall not stand trial in any civil action except between sessions.

H. B. 94. An Act to permit the organization of nonprofit hospital service corporations.

H. B. 137. An Act to vest only in the Department of Motor Transportation the power of revoking drivers' license.

H. B. 97. An Act to define bona fide circulation as applied to newspapers in which are published advertisements on sales under judgment.

H. B. 98. An Act to define bona fide circulation as applied to newspapers in which are published county budgets.

H. B. 99. An Act to define bona fide circulation as applied to newspapers in which required reports are to be published of various county officials.

H. B. 100. An Act to provide stenographers for county

attorneys in counties containing cities of the third and fourth class

H. B. 86. An Act to create a planning and zoning commission in Frankfort.

H. B. 261. An Act to define penalty for defrauding hotel keepers and inn keepers.

H. Res. 7. A resolution to appropriate $630.00 to Rose Palmer and Louis N. Palmer for balance due them on judgment against the State Armory Commission.

S. Res. 32. Resolution to direct payment out of the state road fund of a claim of the Codell Construction company.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared and found to be correctly enrolled, and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions which originated in this House to the Senate.

Ordered that the resolution which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bills and resolutions which originated in this House, duly signed by the President of the Senate, into the possession of the Chief Clerk.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth of Kentucky for the sum of ten thousand ($10,000.00) dollars and making an appropriation therefor.

Said resolution is as follows, viz:

Whereas, Clayton Stokes, a private in the 63rd Field Artillery Brigade of Kentucky State Militia was stationed at the Kentucky State Fair in 1933, and

Whereas, on September 14, 1933, and while the said Clayton Stokes was on active duty at the said State Fair Grounds in Louisville, Kentucky, he was injured by the negligent discharging of a .45 Smith and Wesson revolver in the hands of one Private Shumate and at the time of said injury Private Stokes was in the line of duty and did not contribute in any way to said injury, and

Whereas, as a result of said injury due to the negligence of said Private Shumate, Clayton Stokes was shot and injured about his right chest and his lung was punctured and he has been unable since said injury to perform any labor or follow his usual vocation, and is now permanently and totally injured and disabled.

Now, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Clayton Stokes be and he is hereby authorized to sue the Commonwealth for the sum of ten thousand ($10,000.00) dollars said suit to be filed in the Franklin Circuit Court and same may be settled or compromised upon approval of the Attorney General. Any judgment, settle-

ment or compromise so approved by the Attorney General and certified to the Auditor of Public Accounts shall be paid as follows: The Auditor of Public Accounts will draw his warrant upon the State Treasurer for said sum of the judgment, settlement or compromise and the Treasurer will issue his check for said sum payable to the said Clayton Stokes, all of which shall be drawn upon and paid out of the General Fund.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	F. E. Daugherty	C. C. May
Geo. P. Anderson	L. M. Davisworth	M. T. McCarthy
J. Everett Bach	Sam Dever	Elmer McGlothen
William T. Baker	Garland Embry	H. H. McGuire
F. C. Boyd	A. H. Eversole	G. Samuel Milam
C. P. Bradbury	Raymond Eyl	Alton Mitchell
C. C. Byrne	Ferd A. Gnau	Stanley C. Moebus
J. F. Carr	C. A. Hale	William E. Mull
Leonard Carson	S. T. Hamilton	Rodes K. Myers
George S. Clay	C. L. Hammons	Alfred A. Naff
T. Fowler Combs	Ira W. Hulette	Homer Neikirk
Herbert Cook	W. H. Hunt	Luster C. Oxley
John C. Cornett	William K. King	Mel Petry
G. Cunningham	Clyde D. Lester	Henry Plum
Norman A. Curtis	D. T. Matlack	H. O. Porter
Willard Q. Daniel	Peter P. Mattingly	Grover C. Ransom

Hobart Rayburn	W. S. Shanklin	Cass R. Walden
Hubert H. Read	Parker Sims	Joe L. Wall
Thomas Rigdon	Wm. St. C. Stuart	Henry Ward
E. S. Robey	A. Frank Tabb	H. L. Waterfield
William T. Rollo	W. R. Tapp	R. E. West
E. A. Rose	Carl M. Taylor	J. D. White
Clarence Rush	Gabe B. Taylor	W. G. Williams
Carl Scheben	Erna E. Tyra	Lee Roy Wilson
Leon J. Shaikun	S. J. Wagner	—74

There voted in the negative—

Charles P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 51. Resolution authorizing Jewel Ferguson and Edna Ferguson, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

Whereas, a truck driver of the State Highway Commission, allegedly through his negligence, ran his truck into an automobile owned by one Jewel Ferguson, of Tompkinsville, Kentucky in which Edna Ferguson, his wife was riding, injuring said automobile and inflicting severe personal injuries on Edna Ferguson.

Now in order that they may determine their rights by

judicial action and that the question of negligence, if any, causing such injuries may be determined by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jewel Ferguson and Edna Ferguson be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission or either, for such injuries and damage if there be any arising from the running of said truck into said automobile; and in the event any judgment in either action is recovered by said Jewel Ferguson and Edna Eerguson, or either of them, or same are compromised and settled, the judgments or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants against the State Treasurer for said judgments or amount, if any.

§ 2. Said action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 4. The limit of recovery for injuries to said automobile shall be seventy-five dollars ($75.00) and the limit of recovery for personal injuries to said Edna Ferguson shall be ten thousand dollars ($10,000.00).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
Geo. P. Anderson	Ira W. Hulette	E. S. Robey
J. Everett Bach	W. H. Hunt	William T. Rollo
William T. Baker	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
Archie H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 53. A Resolution authorizing Fred Henry Lewis, an infant, by his statutory guardian or next friend, to sue the Department of Highways of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, or either or both of them, for damages resulting to him from the explosion of a dynamite cap; and providing for payment of the judgment, if any judgment be obtained.

Said resolution is as follows, viz:

WHEREAS, in March, 1935, the State Highway Commission was engaged in road construction in certain counties in Eastern Kentucky, including Elliott County, Kentucky, and in the course of said road construction it maintained a garage, warehouse and store room in Belle City, Kentucky; and,

WHEREAS, it kept, used and maintained quantities of dynamite which were exploded by dynamite caps; and,

WHEREAS, it is alleged that it negligently placed or left on the outside of said garage building and near the street in Belle City, a large number of dynamite caps, where they were easily accessible and attractive to children; and,

WHEREAS, the said Fred Henry Lewis, an infant, nine years of age, in company with other small children, came in contact with said dynamite caps, which had been so left on or near said street, and through curiosity was handling some of said dynamite caps, not knowing what they were or that they were dangerous, and without such knowledge one of said caps

exploded with such force and violence that it injured one of his hands and severely injured his right eye, so much so that he is unable to see or use same, and has affected his left eye until he is about to lose the sight of both eyes and unable to attend school; and,

WHEREAS, his parents are in humble circumstances and unable to properly treat or care for or educate said child; and,

WHEREAS, he has sustained these serious and permanent injuries through the alleged carelessness of the employees of the State Highway Commission in the conduct of the State's business; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky: that

Fred Henry Lewis, an infant, of Sandy Hook, Kentucky, be and he hereby is authorized, empowered and permitted, by his statutory guardian or next friend, to sue the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, or either or both of them, in the Elliott Circuit Court for such damages as he may have sustained, if any, by reason of the explosion of the dynamite cap, which allegedly exploded and injured the said Fred Henry Lewis on or about the month of March, 1935. In such suit plantiff will be permitted to show all of the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky were negligent in the handling, transporting or storing of dynamite caps, and if the jury shall decide that there was such negligence on the part of any employee of said State Highway Commission and that as a direct and proximate result thereof that said Fred Henry Lewis received his injuries, then he may recover from the Commonwealth of Kentucky or the Department of Highways such sum as will fairly and reasonably compensate him for the injuries and damages so sustained by him. In the

event the plaintiff obtains a judgment, the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim either before or after the filing of suit on such terms as may be agreed.

Either party shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Willard Q. Daniel	D. T. Matlack
Geo. P. Anderson	F. E. Daugherty	Peter P. Mattingly
J. Everett Bach	L. M. Davisworth	C. C. May
William T. Baker	Sam Dever	M. T. McCarthy
F. C. Boyd	Garland Embry	Elmer McGlothen
C. P. Bradbury	Archie H. Eversole	H. H. McGuire
C. C. Byrne	Raymond Eyl	G. Samuel Milam
J. F. Carr	Ferd A. Gnau	Alton Mitchell
Leonard Carson	C. A. Hale	Stanley C. Moebus
George S. Clay	S. T. Hamilton	William E. Mull
T. Fowler Combs	C. L. Hammons	Rodes K. Myers
Herbert Cook	Ira W. Hulette	Alfred A. Naff
John C. Cornett	W. H. Hunt	Homer Neikirk
G. Cunningham	William K. King	Luster C. Oxley
Norman A. Curtis	Clyde D. Lester	Mel Petry

Henry Plum	Carl Scheben	S. J. Wagner
H. O. Porter	Leon J. Shaikun	Cass R. Walden
Grover C. Ransom	W. S. Shanklin	Joe L. Wall
Hobart Rayburn	Parker Sims	Henry Ward
Hubert H. Read	Wm. St. C. Stuart	H. L. Waterfield
Thomas Rigdon	A. Frank Tabb	R. E. West
E. S. Robey	W. R. Tapp	J. D. White
William T. Rollo	Carl M. Taylor	W. G. Williams
E. A. Rose	Gabe B. Taylor	Lee Roy Wilson
Clarence Rush	Erna E. Tyra	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 27th day of August, 1937, Archie P. Haight, of Portsmouth, Scioto County, Ohio, was killed while driving an automobile over the Vanceburg-Greenup road in Lewis County, Kentucky, at a point near the Kinney Bridge and between Quincy and Garrison, and

WHEREAS, said road and the mentioned bridge had

been taken over by the State Highway Commission of the State of Kentucky, and said road and bridge was under the control of said State Highway Commission, and

WHEREAS, is it contended by the said administrator of said decedent that the State Highway Commission had so negligently permitted the fill upon which ran said road to wash away and become softened and narrowed and sunken that it caused said car in which said decedent was riding to turn over said fill and thereby instantly kill said decedent, and

WHEREAS, Oscar Haight, Jr., is the duly qualified personal representative of the estate of said Archie P. Haight, deceased,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission of Kentucky in the Circuit Court of Lewis County, Kentucky, for such damages as he suffered by reason of the death of said Archie P. Haight as aforesaid. Said suit shall be for any amount not exceeding Fifteen Thousand Dollars, and in the event any judgment is recovered by said Oscar Haight, Jr., administrator, in said suit for the death of the said Archie P. Haight, or same is compromised or settled same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
Geo. P. Anderson	Ira W. Hulette	E. S. Robey
J. Everett Bach	W. H. Hunt	William T. Rollo
William T. Baker	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
Archie H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 55. A Resolution authorizing Harold Jernigan to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways.

Said resolution is as follows, viz:

WHEREAS, on or about December 17, 1936, the automobile of Harold Jernigan, of Lexington, Ky., was parked in a legitimate parking zone on a street designated as the route for United States Highway No. 68 in the city of Hopkinsville, Kentucky, and

WHEREAS, a loaded truck of the Highway Department of the Commonwealth of Kentucky, while traveling west on said street, struck the automobile of Harold Jernigan, causing considerable damage to the same, now therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Harold Jernigan be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways in the Christian county circuit court or the Fayette county circuit court for all such damage as he may have sustained to his automobile in the accident described above, if any, in an amount not to exceed three hundred dollars ($300.00).

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and

the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Raymond Eyl	Homer Neikirk
Geo. P. Anderson	Ferd A. Gnau	Luster C. Oxley
J. Everett Bach	C. A. Hale	Mel Petry
William T. Baker	S. T. Hamilton	Henry Plum
F. C. Boyd	C. L. Hammons	H. O. Porter
C. P. Bradbury	Ira W. Hulette	Grover C. Ransom
C. C. Byrne	W. H. Hunt	Hobart Rayburn
J. F. Carr	William K. King	Hubert H. Read
Leonard Carson	Clyde D. Lester	Thomas Rigdon
George S. Clay	D. T. Matlack	E. S. Robey
T. Fowler Combs	Peter P. Mattingly	William T. Rollo
Herbert Cook	C. C. May	E. A. Rose
John C. Cornett	M. T. McCarthy	Clarence Rush
G. Cunningham	Elmer McGlothen	Carl Scheben
Norman A. Curtis	H. H. McGuire	Leon J. Shaikun
Willard Q. Daniel	G. Samuel Milam	W. S. Shanklin
F. E. Daugherty	Alton Mitchell	Parker Sims
L. M. Davisworth	Stanley C. Moebus	Wm. St. C. Stuart
Sam Dever	William E. Mull	A. Frank Tabb
Garland Embry	Rodes K. Myers	W. R. Tapp
Archie H. Eversole	Alfred A. Naff	Carl M. Taylor

Gabe B. Taylor	Joe L. Wall	J. D. White
Erna E. Tyra	Henry Ward	W. G. Williams
S. J. Wagner	H. L. Waterfield	Lee Roy Wilson
Cass R. Walden	R. E. West	—72

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, during the years 1934 and 1935, John Williamson, of Zebulon, Pike County, Kentucky, was employed by the State Highway Commission of the Commonwealth of Kentucky in the capacity of driver or operator of road machinery used in the maintenance and repair of roads in Pike County, Kentucky; and

WHEREAS, a controversy exists between the said John Williamson and the State Highway Commission of the Commonwealth of Kentucky over a settlement for the work done and performed by the said John Williamson, and said parties are not able to arrive at a mutual settlement of the amount of money still due the said John Williamson for work done and performed for the said State Highway Commission;

NOW, THEREFORE, in order to determine by judicial action the amount that is due and owing the said John Willamson, if any, by the Commonwealth of Kentucky through its State Highway Commission for work done and performed in the maintenance of roads, road construction and repair work;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Williamson is hereby authorized to institute a suit against the Commonwealth of Kentucky and the State Highway Commission, or either, to recover any amount of money that may be due said John Williamson, if any, for work done and labor performed by him as operator of road machinery used in the maintenance and repair and construction of roads in Pike County, Kentucky. Said suit shall be for any amount not exceeding the sum of $800.00, and in the event any judgment is recovered by said John Williamson or same is compromised or settled same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Said action may be brought in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of the parties or subject matter.

§ 3. Any action begun under this authority shall be commenced within one year after the effective date hereof.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
Geo. P. Anderson	Ira W. Hulette	E. S. Robey
J. Everett Bach	W. H. Hunt	William T. Rollo
William T. Baker	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
Archie Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

WHEREAS, on April 16, 1936, at or about three o'clock P. M., at a point near Shelby Gap in Pike County, Kentucky, and on Route No. 23, a public road between Jenkins, Kentucky, and Pikeville, Kentucky, a truck owned and operated by the State Highway Department of the State of Kentucky, which was being used for the purpose of hauling rock and other materials while repairing road, and operated by Clyde Scalf, an employee of the State Highway Commission, suddenly backed out into the highway without any warning, signal or other notice of his intention so to do, and ran into and against an automobile owned and operated on said highway by F. L. Buchanan, and as a result of said collision the automobile of the said F. L. Buchanan was completely destroyed; and

WHEREAS, the said F. L. Buchanan has sustained a permanent damage to his automobile by reason of the alleged carelessness and negligence of the employees of the said State Highway Commission in the conduct of the State's business; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. L. Buchanan be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, for such damages as he may have suffered, if any, by reason of his automobile having been destroyed through the carelessness or negligence

of the said Highway Commission, its agents or employees. Said suit shall be for any amount not exceeding the sum of $500.00, and in the event any judgment is recovered by said F. L. Buchanan in said suit for damages to his property, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund.

§ 2. Said action may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

§ 3. Any action begun under this authority shall be commenced within one year after the effective date hereof.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	G. Cunningham	Ira W. Hulette
Geo. P. Anderson	Norman A. Curtis	W. H. Hunt
J. Everett Bach	Willard Q. Daniel	William K. King
William T. Baker	F. E. Daugherty	Clyde D. Lester
F. C. Boyd	L. M. Davisworth	D. T. Matlack
C. P. Bradbury	Sam Dever	Peter P. Mattingly
C. C. Byrne	Garland Embry	C. C. May
J. F. Carr	A. H. Eversole	M. T. McCarthy
Leonard Carson	Raymond Eyl	Elmer McGlothen
George S. Clay	Ferd A. Gnau	H. H. McGuire
T. Fowler Combs	C. A. Hale	G. Samuel Milam
Herbert Cook	S. T. Hamilton	Alton Mitchell
John C. Cornett	C. L. Hammons	Stanley C. Moebus

William E. Mull	E. S. Robey	Gabe B. Taylor
Rodes K. Myers	William T. Rollo	Erna E. Tyra
Alfred A. Naff	E. A. Rose	S. J. Wagner
Homer Neikirk	Clarence Rush	Cass R. Walden
Luster C. Oxley	Carl Scheben	Joe L. Wall
Mel Petry	Leon J. Shaikun	Henry Ward
Henry Plum	W. S. Shanklin	H. L. Waterfield
H. O. Porter	Parker Sims	R. E. West
Grover C. Ransom	Wm. St. C. Stuart	J. D. White
Hobart Rayburn	A. Frank Tabb	W. G. Williams
Hubert H. Read	W. R. Tapp	Lee Roy Wilson
Thomas Rigdon	Carl M. Taylor	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 59. A resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

Said resolution is as follows, viz:

WHEREAS, on or about the 18th day of September,

1935, the State Highway Commission of Kentucky entered into a written contract with J. B. Westerfield, whereby the said J. B. Westerfield in consideration of the payments therein provided agreed to furnish all labor, materials and supplies and perform all work for the grade and drain of a certain road project in Warren County, Kentucky, designated as Warren County S. P. No. 423-AG, the Rockfield-Richpond Road, a distance of approximately 3.688 miles, at the estimated contract price of $11,953.47; and,

WHEREAS, said contract and the required bond were duly and regularly made and entered into; and,

WHEREAS, before the completion of the work provided by said contract to be performed, the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, entered into a supplemental agreement in writing whereby the said J. B. Westerfield agreed to furnish all of the labor, materials and supplies and do all of the work required for the grading and draining of an extension of said road project a distance of approximately 0.967 miles, at the same unit prices as provided in the original contract, which additional work was estimated to cost $2382.10; and,

WHEREAS, said State Highway Commission of Kentucky, by order entered on its Minutes of November 12, 1935, authorized the Chairman of said Commission to sign and enter into said supplemental agreement; and,

WHEREAS, the said J. B. Westerfield fully and completely performed all of the terms, covenants and conditions of said supplemental agreement on his part to be performed in full and strict conformity with the terms of said contract and the plans and specifications relating thereto; and,

WHEREAS, said J. B. Westerfield furnished all of the necessary labor, materials and supplies and performed all of the work provided to be performed by him in the original and supplemental contracts to the full and complete satisfaction of the Highway Commission and the engineers of said Commission; and,

WHEREAS, said highway and the work done by the said J. B. Westerfield under the terms of the original and supplemental contracts was officially accepted by the State Highway Commission for maintenance on or about February 11, 1936; and,

WHEREAS, the Commonwealth of Kentucky has accepted and used and is now using and maintaining said highway and has received the full benefit of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield; and,

WHEREAS, according to the terms and provisions of said supplemental contract the Commonwealth of Kentucky agreed to pay said J. B. Westerfield for the labor, materials, supplies and work furnished and done by him the sum of $2,433.12, which according to the terms of said supplemental contract was due and payable February 1, 1936; and,

WHEREAS, said claim has not been paid because of some question having been raised as to whether or not said supplemental contract was valid because of not having been awarded and entered into pursuant to advertisement for bids on the work expressly provided for and covered in the supplemental contract; and,

WHEREAS, the Commonwealth of Kentucky has received full value therefor and the claim of said J. B. Westerfield is just;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky; that

§ 1. The consent of the General Assembly of the Commonwealth of Kentucky hereby is given to said J. B. Westerfield to sue the Department of Highways and the Commonwealth of Kentucky, or either of them, in the Franklin Circuit Court, to recover the amount due him under the terms of said supplemental contract; namely, $2433.12, with interest thereon at the rate of 6% per annum from February 1, 1936 until paid.

The Department of Highways, with the approval of the

Attorney General, hereby is authorized to compromise or pay said claim either before or after the filing of suit, the payment, if any, to be made out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 2. Said supplemental contract between the Commonwealth of Kentucky, acting by and through its agent, the State Highway Commission of Kentucky, and the said J. B. Westerfield, dated November 19, 1935, hereby is validated, ratified, confirmed and approved; and all of the acts of the State Highway Commission and the Chairman of the State Highway Commission in executing said contract and in the acceptance of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield pursuant to the terms of said supplemental agreement, hereby are validated, ratified, confirmed and approved.

§ 3. If judgment be obtained by the said J. B. Westerfield, or if his claim be approved for payment by the Department of Highways and the Attorney General of Kentucky, said judgment or said claim shall be paid out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 4. If suit be filed and judgment entered in the Franklin Circuit Court, either party may appeal to the Court of Appeals as in any other civil case.

§ 5. Whereas said J. B. Westerfield is engaged principally in the construction of highways in Kentucky under contracts with the Department of Highways; and, whereas he is a man of very limited means and is badly in need of the money earned by him under the supplemental contract aforesaid; and, whereas the Commonwealth of Kentucky has had the benefits of the labor, materials and supplies furnished and work done by the said J. B. Westerfield under the terms of said supplemental contract for approximately one year; and, whereas justice and fairness require that said claim be promptly paid to the said J. B. Westerfield; an emergency

hereby is declared to exist and this resolution shall be immediately effective upon its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ferd A. Gnau	Mel Petry
Geo. P. Anderson	C. A. Hale	Henry Plum
J. Everett Bach	S. T. Hamilton	H. O. Porter
William T. Baker	C. L. Hammons	Grover C. Ransom
F. C. Boyd	Ira W. Hulette	Hobart Rayburn
C. P. Bradbury	W. H. Hunt	Hubert H. Read
C. C. Byrne	William K. King	Thomas Rigdon
J. F. Carr	Clyde D. Lester	E. S. Robey
Leonard Carson	D. T. Matlack	William T. Rollo
George S. Clay	Peter P. Mattingly	E. A. Rose
T. Fowler Combs	C. C. May	Clarence Rush
Herbert Cook	M. T. McCarthy	Carl Scheben
John C. Cornett	Elmer McGlothen	Leon J. Shaikun
G. Cunningham	Heman H. McGuire	W. S. Shanklin
Norman A. Curtis	G. Samuel Milam	Parker Sims
Willard Q. Daniel	Alton Mitchell	Wm. St. C. Stuart
F. E. Daugherty	Stanley C. Moebus	A. Frank Tabb
L. M. Davisworth	William E. Mull	W. R. Tapp
Sam Dever	Rodes K. Myers	Carl M. Taylor
Garland Embry	Alfred A. Naff	Gabe B. Taylor
A. H. Eversole	Homer Neikirk	Erna E. Tyra
Raymond Eyl	Luster C. Oxley	S. J. Wagner

Cass R. Walden	H. L. Waterfield	W. G. Williams
Joe L. Wall	R. E. West	Lee Roy Wilson
Henry Ward	J. D. White	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 61. A resolution authorizing H. M. Brock to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, in the year 1932 and 1933 the State Highway Commission, by its agents and servants, improperly constructed a State Highway as a part of the Primary Road System in Harlan County, leading up Catron's Creek to Yancey and Ligett, and

WHEREAS, the said Commission by its agents and employees so constructed said highway that it filled up the natural course of Catron's Creek and stopped up the natural flow of the water and turned the same over and through the property of the said H. M. Brock, and that the said creek washed away, destroyed and impaired the value of said property so as to injure, and damage the said H. M. Brock and his property;

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said H. M. Brock be and is hereby authorized

and permitted to bring suit in the Harlan Circuit Court for such damage as he may have suffered, if any, by reason of any negligent construction of the highway, and the wrongful filling up of the part of said creek, if same is negligent and wrongful, and obstructing the natural flow therein by its then State Highway Commission, its agents or employees.

In event any judgment is recovered by the said H. M. Brock in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrant from the Auditor, and the said H. M. Brock and the Highway Commission and the Commonwealth of Kentucky shall have the right to appeal, as in other civil cases. The Attorney General may, in his discretion, compromise and adjust the suit, in the same way as any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	A. H. Eversole
Geo. P. Anderson	Herbert Cook	Raymond Eyl
J. Everett Bach	John C. Cornett	Ferd A. Gnau
William T. Baker	G. Cunningham	C. A. Hale
F. C. Boyd	Norman A. Curtis	S. T. Hamilton
C. P. Bradbury	Willard Q. Daniel	C. L. Hammons
C. C. Byrne	F. E. Daugherty	Ira W. Hulette
J. F. Carr	L. M. Davisworth	W. H. Hunt
Leonard Carson	Sam Dever	William K. King
George S. Clay	Garland Embry	Clyde D. Lester

D. T. Matlack	Henry Plum	A. Frank Tabb
Peter P. Mattingly	H. O. Porter	W. R. Tapp
C. C. May	Grover C. Ransom	Carl M. Taylor
M. T. McCarthy	Hobart Rayburn	Gabe B. Taylor
Elmer McGlothen	Hubert H. Read	Erna E. Tyra
H. H. McGuire	Thomas Rigdon	S. J. Wagner
G. Samuel Milam	E. S. Robey	Cass R. Walden
Alton Mitchell	William T. Rollo	Joe L. Wall
Stanley C. Moebus	E. A. Rose	Henry Ward
William E. Mull	Clarence Rush	H. L. Waterfield
Rodes K. Myers	Carl Scheben	R. E. West
Alfred A. Naff	Leon J. Shaikun	J. D. White
Homer Neikirk	W. S. Shanklin	W. G. Williams
Luster C. Oxley	Parker Sims	Lee Roy Wilson
Mel Petry	Wm. St. C. Stuart	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the Day, a resolution entitled:

H. Res. 62. A Resolution authorizing Lillie Hopkins as Administratrix and personal representative of the estate of J. M. Hopkins to sue the Commonwealth.

Said resolution is as follows, viz:

WHEREAS, on or about the 31st day of March, 1935, the State of Kentucky owned and maintained a highway on Martins Fork in Harlan County, Kentucky, and permitted

and allowed a decayed tree to stand on an embankment on the right-of-way near the highway near Grays Knob, Kentucky, and in close proximity to the State Highway, and

WHEREAS, while the deceased, J. M. Hopkins, was operating his automobile on the 31st day of March on said State Highway in the night time, the said decayed tree fell across the highway and onto decedent and his car, causing his instant death and the destruction of the automobile,

No, Therefor, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lillie Hopkins as administratrix and personal representative of the estate of J. M. Hopkins, deceased, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission in the Circuit Court of Harlan County, Kentucky, for such damages as his estate may have sustained, if any, by reason of his death and damage to his automobile. No recovery shall be for a greater sum than Ninety-five hundred dollars ($9500.00) for the death of the said J. M. Hopkins and Five hundred dollars ($500.00) for damage to the car. The Attorney General is authorized to investigate and compromise said suit, if deemed advisable by him. Any judgment or compromise shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund to Lillie Hopkins as administratrix and personal representative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
G. P. Anderson	Ira W. Hulette	E. S. Robey
William T. Baker	W. H. Hunt	William T. Rollo
J. Everett Bach	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 63. Resolution authorizing Robert Jameson, of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, pursuant to the terms of a lease between Robert and Thomas Jameson, parties of the first part, and the Armory Commission of the Commonwealth of Kentucky, party of the second part, covering a frame building located on Lumber Street, Beattyville, Kentucky, said lease was terminated December 29, 1931 by giving sixty days notice; and,

WHEREAS, it is alleged that said Armory Commission continued to occupy said premises until April 1, 1932, and it is alleged that rentals were never paid for the last three months of such occupancy and that said rentals, in the sum of three hundred dollars ($300.00), are still due and unpaid.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Jameson, of Beattyville, Kentucky, for himself, and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either, for such rentals on said building as are due and un-

paid; and in event any judgment is recovered by Robert Jameson for himself or the administrators of the estate of Thomas Jameson, or said claim is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants for same drawn on the State Treasurer.

§ 2. Said action may be brought in any Circuit Court of the Commonwealth of Kentucky which has jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

§ 4. The limit of recovery in any action instituted under this resolution shall be three hundred dollars ($300.00).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	F. C. Boyd	Leonard Carson
G. P. Anderson	C. P. Bradbury	George S. Clay
Everett J. Bach	C. C. Byrne	T. Fowler Combs
William T. Baker	J. F. Carr	Herbert Cook

John C. Cornett	M. T. McCarthy	Clarence Rush
G. Cunningham	Elmer McGlothen	Carl Scheben
Norman A. Curtis	H. H. McGuire	Leon J. Shaikun
Willard Q. Daniel	G. Samuel Milam	W. S. Shanklin
F. E. Daugherty	Alton Mitchell	Parker Sims
L. M. Davisworth	Stanley C. Moebus	Wm. St. C. Stuart
Sam Dever	William E. Mull	A. Frank Tabb
Garland Embry	Rodes K. Myers	W. R. Tapp
A. H. Eversole	Alfred A. Naff	Carl M. Taylor
Raymond Eyl	Homer Neikirk	Gabe B. Taylor
Ferd A. Gnau	Luster C. Oxley	Erna E. Tyra
C. A. Hale	Mel Petry	S. J. Wagner
S. T. Hamilton	Henry Plum	Cass R. Walden
C. L. Hammons	H. O. Porter	Joe L. Wall
Ira W. Hulette	Grover C. Ransom	Henry Ward
W. H. Hunt	Hobart Rayburn	H. L. Waterfield
William K. King	Hubert H. Read	R. E. West
Clyde D. Lester	Thomas Rigdon	J. D. White
D. T. Matlack	E. S. Robey	W. G. Williams
Peter P. Mattingly	William T. Rollo	Lee Roy Wilson
C. C. May	E. A. Rose	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 65. A resolution authorizing George A. Caswell, 1038 Wetterau Avenue, Louisville, Kentucky, his personal

representative, executor or administrator to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them, and Statute of Limitation not to apply until and from the passage of this resolution.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of January, 1938, the State Highway Commission of Kentucky was engaged in building, concrete paving, and approach to bridge on Highway 62 at or near the line between the Hopkins County and Muhlenberg County, Kentucky; and

WHEREAS, it is alleged that it negligently left an open excavation or unmade concrete at the approach of said bridge on one side of driveway without any guards, lights, signs, or notices of its existence to the traveling public; and

WHEREAS, George A. Caswell, driving his automobile on said road across said bridge, ran into and fell into said excavation unmade concrete, and incompleted approach to said bride, turned over his car, seriously and permanently injuring himself thereby, about his head, body, limbs, and feet and has suffered serious and great damage, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That George A. Caswell, 1038 Wetterau Avenue, Louisville, Kentucky, be and he is hereby authorized, empowered and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them, in the Jefferson, Hopkins, or Daviess Circuit Court for such damages as he may have sustained, if any, by reason of his having driven or fallen in the said excavation or incompleted approach to said bridge, caused by the negligence of the agents, servants or employees of the Commonwealth of Kentucky and/or the State Highway Commission, or either of them.

And in such suit he is permitted to show all the facts and

circumstances as to whether or not, the employees or any employee of the Commonwealth of Kentucky or the State Highway Commission, were negligent with reference to said ditch or excavation or approach to said bridge or negligent in any manner whatsoever and/or in failing to properly notify the public traveling on said road of such ditch or excavation or any other negligence on the part of the Commonwealth of Kentucky, or the State Highway Commission, their agents, servants or employees; and if a jury shall decide that there was negligence on the part of any such employee or employees of the Commonwealth of Kentucky or the State Highway Commission, and that as a direct and proximate result thereof, the said George A. Caswell received his injuries, then he may recover from the Commonwealth of Kentucky or the State Highway Commission, or both, sum or sums as will fairly and reasonably compensate him for the damages sustained not exceeding Ten Thousand Dollars ($10,000.00).

In the event of the death of said George A. Caswell, the authority herein given is extended to his personal representative, executor or administrator, and the Statute of Limitation shall not be applicable until and from the passage of this resolution.

In the event judgment is recovered by the said George A. Caswell, his personal representative, executor or administrator in said suit, as damages, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer.

The Commonwealth of Kentucky and the State Highway Commission, or either of them, and the said George A. Caswell, his personal representative, executor or administrator, shall have a right to appeal as in any other civil case. The recovery herein shall be limited to and not to exceed Ten Thousand Dollars ($10,000.00).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
G. P. Anderson	Ira W. Hulette	E. S. Robey
Everett J. Bach	W. H. Hunt	William T. Rollo
William T. Baker	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 67. Resolution authorizing Oscar Garrison to sue the Commonwealth of Kentucky and the State Highway Department or either.

Said resolution is as follows, viz:

WHEREAS, in the year of..... (19.....) when the State Highway Patrol was stationed at Manchester in Clay County, Kentucky, discharging official duties and in charge of duly constituted state officers, and,

WHEREAS, said State officers purchased of Oscar Garrison, oils, gasoline and accessories for use in the discharge of the official duties of said State Highway Patrol and which were used upon the motor vehicles belonging to the Commonwealth of Kentucky and for which oils, gasoline and accessories the said Oscar Garrison has never been paid and which sum is rightfully due him.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Oscar Garrison be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Department, or either, in the Quarterly or Circuit Court of the county of his residence for the sum of One Hundred and Six Dollars and Sixty Cents ($106.60) due him for oil, gasoline and accessories purchased from him by the State Highway Patrol and its duly constituted officers when said Highway Patrol was located in

Manchester, Clay County, Kentucky, in the year of ..... (19.....).

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	L. M. Davisworth	Elmer McGlothen
G. P. Anderson	Sam Dever	H. H. McGuire
Everett J. Bach	Garland Embry	G. Samuel Milam
William T. Baker	A. H. Eversole	Alton Mitchell
F. C. Boyd	Raymond Eyl	Stanley C. Moebus
C. P. Bradbury	Ferd A. Gnau	William E. Mull
C. C. Byrne	C. A. Hale	Rodes K. Myers
J. F. Carr	S. T. Hamilton	Alfred A. Naff
Leonard Carson	C. L. Hammons	Homer Neikirk
George S. Clay	Ira W. Hulette	Luster C. Oxley
T. Fowler Combs	W. H. Hunt	Mel Petry
Herbert Cook	William K. King	Henry Plum
John C. Cornett	Clyde D. Lester	H. O. Porter
G. Cunningham	D. T. Matlack	Grover C. Ransom
Norman A. Curtis	Peter P. Mattingly	Hobart Rayburn
Willard Q. Daniel	C. C. May	Hubert H. Read
F. E. Daugherty	M. T. McCarthy	Thomas Rigdon

E. S. Robey	Wm. St. C. Stuart	Joe L. Wall
William T. Rollo	A. Frank Tabb	Henry Ward
E. A. Rose	W. R. Tapp	H. L. Waterfield
Clarence Rush	Carl M. Taylor	R. E. West
Carl Scheben	Gabe B. Taylor	J. D. White
Leon J. Shaikun	Erna E. Tyra	W. G. Williams
W. S. Shanklin	S. J. Wagner	Lee Roy Wilson
Parker Sims	Cass R. Walden	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 70. A resolution, authorizing E. R. McGuire, doing business at The Grayson Milling Company, to file suit against the Commonwealth of Kentucky and the State Highway Department, or either of them.

Said resolution is as follows, viz:

WHEREAS, HERETOFORE the State Highway Department has failed, neglected, and refused to properly or at all, keep open the ditches, culverts, crossing and other drainage facilities on the Grayson-Hitchens road where the said road joins and abuts on the property of the said McGuire and as a result of the said neglect and failure to keep the said drainage outlets open, the water and drainage from said highway backs up on and into the property of the said McGuire,

causing great damage to said property and the machinery therein and will continue to do so unless the said highway is repaired; now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That E. R. McGuire, doing business as The Grayson Milling Company, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Department or Commission, or any of them, in the Circuit Court of the county of his residence for such damages as he may have suffered or sustained, if any, by reason of the failure to keep open the ditches, culverts, crossings and other drainage facilities joining the property of the said McGuire, thereby causing the water to back up on and into the property of the said McGuire and causing great damage to his property and the buildings and machinery thereon.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. C. Byrne	John C. Cornett
G. P. Anderson	J. F. Carr	G. Cunningham
Everett J. Bach	Leonard Carson	Norman A. Curtis
William T. Baker	George S. Clay	Willard Q. Daniel
F. C. Boyd	T. Fowler Combs	F. E. Daugherty
C. P. Bradbury	Herbert Cook	L. M. Davisworth

Sam Dever	Alton Mitchell	Leon J. Shaikun
Garland Embry	Stanley C. Moebus	W. S. Shanklin
A. H. Eversole	William E. Mull	Parker Sims
Raymond Eyl	Rodes K. Myers	Wm. St. C. Stuart
Ferd A. Gnau	Alfred A. Naff	A. Frank Tabb
C. A. Hale	Homer Neikirk	W. R. Tapp
S. T. Hamilton	Luster C. Oxley	Carl M. Taylor
C. L. Hammons	Mel Petry	Gabe B. Taylor
Ira W. Hulette	Henry Plum	Erna E. Tyra
W. H. Hunt	H. O. Porter	S. J. Wagner
William K. King	Grover C. Ransom	Cass R. Walden
Clyde D. Lester	Hobart Rayburn	Joe L. Wall
D. T. Matlack	Hubert H. Read	Henry Ward
Peter P. Mattingly	Thomas Rigdon	H. L. Waterfield
C. C. May	E. S. Robey	R. E. West
M. T. McCarthy	William T. Rollo	J. D. White
Elmer McGlothen	E. A. Rose	W. G. Williams
H. H. McGuire	Clarence Rush	Lee Roy Wilson
G. Samuel Milam	Carl Scheben	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 71. Resolution authorizing E. E. Sandefur of Henderson, Kentucky to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on October 14th, 1936, Lee Allen Hatchett, an employee of the State Highway Commission was driving a patrol grader, belonging to said Commission along First Street in Henderson, Kentucky, and while so driving he lost control of said grader because of a broken radius rod; and,

WHEREAS, before said patrol grader could be stopped it ran into a car belonging to E. E. Sandefur of 514 Letcher Street, Henderson, Kentucky, which was parked against or near the curb on the north side of First Street between Green and Ingram Streets, pushing said car into another car and doing considerable damage to said car,

NOW, in order that the question of the responsibility of the Commonwealth of Kentucky or the State Highway Commission, or either, for said damages, may be determined by judicial action.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. E. Sandefur of Henderson, Kentucky, be, and is hereby authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such damages arising from the above stated facts; and in the event any judgment is recovered by said E. E. Sandefur or the case is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the State Auditor of Public Accounts is hereby authorized to issue warrant drawn on the State Treasurer for said judgment or amount.

§ 2. Such action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil

suit and the case may be settled and adjusted with the consent of the Attorney General of Kentucky, in the same way as any other civil case.

§ 4. The limit of recovery in any such suit brought by E. E. Sandefur shall be one hundred twenty dollars and twenty-five cents ($120.25).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Sam Dever	G. Samuel Milam
G. P. Anderson	Garland Embry	Alton Mitchell
Everett J. Bach	A. H. Eversole	Stanley C. Moebus
William T. Baker	Raymond Eyl	William E. Mull
F. C. Boyd	Ferd A. Gnau	Rodes K. Myers
C. P. Bradbury	C. A. Hale	Alfred A. Naff
C. C. Byrne	S. T. Hamilton	Homer Neikirk
J. F. Carr	C. L. Hammons	Luster C. Oxley
Leonard Carson	Ira W. Hulette	Mel Petry
George S. Clay	W. H. Hunt	Henry Plum
T. Fowler Combs	William K. King	H. O. Porter
Herbert Cook	Clyde D. Lester	Grover C. Ransom
John C. Cornett	D. T. Matlack	Hobart Rayburn
G. Cunningham	Peter P. Mattingly	Hubert H. Read
Norman A. Curtis	C. C. May	Thomas Rigdon
Willard Q. Daniel	M. T. McCarthy	E. S. Robey
F. E. Daugherty	Elmer McGlothen	William T. Rollo
L. M. Davisworth	H. H. McGuire	E. A. Rose

Clarence Rush	W. R. Tapp	Henry Ward
Carl Scheben	Carl M. Taylor	H. L. Waterfield
Leon J. Shaikun	Gabe B. Taylor	R. E. West
W. S. Shanklin	Erna E. Tyra	J. D. White
Parker Sims	S. J. Wagner	W. G. Williams
Wm. St. C. Stuart	Cass R. Walden	Lee Roy Wilson
A. Frank Tabb	Joe L. Wall	

—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 76. Resolution authorizing Mary Utley Brown, administratrix of the estate of Thomas J. Brown, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on or about the twenty-third (23rd) day of January, one thousand nine hundred and thirty-seven (1937), Thomas J. Brown, who was then a Sergeant in the National Guard of the United States, while in the discharge of his duties as such and under command of his Superior Officer in connection with the rescuing and providing for refugees during the flood of that time, near Ashbysburg, Hopkins County, Kentucky, lost his life by drowning due, as it is claimed, to the defective condition of the boat in which he was riding, which filled with water and sank and, whereas, it is claimed

that the boat furnished him was unseaworthy due to the neglect of the agents and employees of the Commonwealth furnishing said boat for said services which was the proximate cause of the death of said Brown, Therefore:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, be, and she is hereby authorized and permitted to sue the Commonwealth of Kentucky, in the Hopkins Circuit Court, the County of the residence of said administratrix, for damages for the loss of life of said decedent Thomas J. Brown. Said suit shall be for any amount not exceeding ten thousand ($10,000) dollars, and in the event any judgment is recovered by said Mary Utley Brown, administratrix of Thomas J. Brown, deceased, in said suit for damages, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

Every party in said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be setteld and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
G. P. Anderson	Ira W. Hulette	E. S. Robey
J. Everett Bach	W. H. Hunt	William T. Rollo
William T. Baker	William K. King	E. A. Rose
F. C. Boyd	Clyde D. Lester	Clarence Rush
C. P. Bradbury	D. T. Matlack	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
Leonard Carson	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	H. H. McGuire	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Luster C. Oxley	Henry Ward
Garland Embry	Mel Petry	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
Raymond Eyl	H. O. Porter	J. D. White
Ferd A. Gnau	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	—74

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milam moved that the Rules of this House be sus-

pended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 245. An Act repealing, amending and re-enacting Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition, so as to impose an occupational license tax only upon wholesalers, jobbers and retailers of cigarettes, restaurants, retailers of ice cream and soft drinks, theaters, billiard and pool tables and bowling alleys, and providing certain exemptions therefrom and for the repeal effective June 29, 1940, of Section 4224a-1 as hereby amended and re-enacted and Sections 4190 through 4202a of Carroll's Kentucky Statutes, 1936 Edition; repealing Sections 4215, 4216, 4217b-1 through 4217b-10, 4218 through 4223a, 4223d-1 through 4223-5, 4224, 4224c-1, 4224d-1 through 4224d-18 of Carroll's Kentucky Statutes, 1936 Edition; repealing all laws to the extent that they conflict, and providing a separability clause.

Said motion was agreed to.

Thereupon the House took up for consideration from the Orders of the Day, said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition, is hereby repealed, amended and re-enacted to read as follows:

4224a-1. License. No person, firm or corporation shall engage in any of the occupations or sell any of the articles named in this Act until such person, firm or corporation shall have paid to the county court clerk of the county wherein such person, firm or corporation is engaged in such occupation or in selling such articles the license tax herein prescribed.

Provided, however, that this section shall not be construed to impose a tax on any county, state or community fair association or corporation or similar enterprise, or upon the agent or concessionaire of any such association, or corporation operating within the grounds or rooms devoted to a festival or fair of any such association, or corporation which shall engage in any of the occupations or sell any of the articles named in this Act for a period of not exceeding one week in any calendar year without profit to the members, stockholders of or other person connected with such association, or corporation.

Cigarettes, wholesalers and jobbers. For each establishment, place of business or warehouse of a wholesale dealer or jobber of cigarettes, Fifty Dollars ($50.00) per annum. Provided that any such wholesaler or jobber who does not maintain a regularly established place of business or warehouse in this State may apply for and receive a license in Franklin County.

Cigarettes, retail dealers. For each place at which cigarettes are sold at retail, Ten Dollars ($10.00) per annum.

Restaurants. For each restaurant, including railroad eating houses serving meals, Ten Dollars ($10.00) per annum.

Soft drinks and ice cream, retail dealers. For each retail outlet of soft drinks or ice cream, Five Dollars ($5.00) per annum. Soft drinks, within the meaning of this Act, shall be construed to be any beverage of less than one-half of one per cent alcohol, whether bottled or from a fountain. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of Ten Dollars ($10.00) per annum only shall be charged.

Theaters. For each theater or public exhibition or performance, twenty cents (20c) per seat per annum, the minimum charge under this Act to be Ten Dollars ($10.00) per annum. A theater within the meaning of this Act shall be construed to be any building wherein public exhibitions or

performances, including moving pictures, are given, and at which a charge is exacted from those attending same. This paragraph shall not apply to chautauquas, to fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but shall apply if at any time non-religious, non-educational or non-charitable organizations or persons use the same.

Billiard or pool tables or bowling alleys. For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, Thirty Dollars ($30.00) per annum for the first table or alley and Five Dollars ($5.00) per annum for each additional table or alley.

§ 2. Sections 4215, 4216, 4217b-1 through 4217b-10, 4218 through 4223a, 4223d-1 through 4223d-5, 4224, 4224c-1, 4224d-1 through 4224d-18 of Carroll's Kentucky Statutes, 1936 Edition, and all other laws or parts thereof in conflict with this Act are hereby repealed to the extent of the conflict.

§ 3. Subsequent repeal. This Act in its entirely and Sections 4190 through 4202a of Carroll's Kentucky Statutes, 1936 Edition, are hereby repealed, effective June 29, 1940; provided this section shall not be construed to reinstate or make effective any section or provisions repealed by this Act.

§ 4. If any provision, section, paragraph or phrase of this Act, or the application of any such provision, section, paragraph or phrase to any person, firm, corporation, property or circumstance should be held invalid, such decision shall not affect or impair the remainder of this Act, it being hereby declared the legislative intent that the remainder of this Act would have been passed by the Legislature without the invalid provision, section, paragraph or phrase, or that the Legislature would have passed such without intending the

application of it to such person, firm, corporation, property or circumstance.

Mr. Wagner offered the following amendments to said bill, viz

1. Amend H. B. 245 on page 3, section 1, line 36 by striking after the word "twenty" the word "cetns" and inserting in lieu thereof the word "cents"

2. Amend H. B. 245 on page 3, sec. 1 line 46 by striking the first word "billard" and inserting in lieu thereof the word "billiard"

3. Amend H. B. 245 on page 3, sec. 1, line 46 by striking the second word "billard" and inserting in lieu thereof the word "billiard"

4. Amend H. B. 245 by striking out on page 2, Section 1, all of the words in lines 18, 19, 20, 21, 22 and 23 and placing in lieu thereof the words "subsection 1. Cigarettes, wholesalers, and jobbers. For each establishment, place of business, or warehouse of a wholesale dealer or jobber of cigarettes $50 per annum. Provided that any such wholesaler or jobber who does not maintain a regularly established place of business or warehouse in this State may apply for and receive a license in Franklin county."

5. Amend H. B. 245 by adding on page 2, sec. 1 line 24 before the word "cigarettes" the words "subsection 2."

6. Amend H. B. 245 on page 2, sec. 1 line 26 by inserting before the word "restaurants" the words "subsection 3."

7. Amend H. B. 245 on page 2, sec. 1 line 28 by inserting before the word "soft" the words "subsection 4."

8. Amend H. B. 245 on page 3, sec. 1 line 35 by inserting before the word "theatres" the words "subsection 5."

9. Amend H. B. 245 on page 3, sec. 1, line 45 by inserting before the word "billiard" the words "Subsection 6."

10. Amend H. B. 245 on page 3, sec. 3, line 1 by striking

out after the word "repeal" the words "This Act in its entirety" and inserting in lieu thereof the words "Subsections 2, 3, 4, 5 and 6 of Section 1."

Said amendments were each and severally agreed to.

Mr. Clay offered the following amendment to said bill, viz:

11. Amend H. B. 245 on page 4, sec. 4, line 9 by adding an additional section as follows:

Section 5. Whereas, the expense of collecting the licenses herein repealed amounts to more than the revenues received, and the field staff of the Department of Revenue is inadequate to enforce collection of same, an emergency is declared to exist and this Act shall become effective from and after its passage and approval by the Governor, but nothing herein shall be construed as affecting licenses which have heretofore been issued.

Said amendment was agreed to.

Mr. Wagner moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being

engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Hobart Rayburn
G. P. Anderson	Ira W. Hulette	Hubert H. Read
William T. Baker	John M. Hunnicutt	Thomas Rigdon
B. F. Bedford	W. H. Hunt	E. S. Robey
Rell Bevins	Ben W. Johnson	Joe E. Robinson
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	Clyde D. Lester	E. A. Rose
C. C. Byrne	D. T. Matlack	Carl Scheben
J. F. Carr	Peter P. Mattingly	Leon J. Shaikun
Leonard Carson	C. C. May	W. S. Shanklin
George S. Clay	T. B. McConnell	Parker Sims
H. S. Cleveland	Elmer McGlothen	A. Frank Tabb
T. Fowler Combs	H. H. McGuire	W. R. Tapp
Herbert Cook	J. H. McKinney	Carl M. Taylor
John C. Cornett	G. Samuel Milam	Gabe B. Taylor
G. Cunningham	Alton Mitchell	Erna E. Tyra
Norman A. Curtis	Stanley C. Moebus	S. J. Wagner
Willard Q. Daniel	William E. Mull	Cass R. Walden
F. E. Daugherty	Rodes K. Myers	Joe L. Wall
L. M. Davisworth	Alfred A. Naff	Henry Ward
Sam Dever	Homer Neikirk	H. L. Waterfield
Forest C. Easley	Luster C. Oxley	R. E. West
Garland Embry	Mel Petry	J. D. White
Raymond Eyl	Henry Plum	John M. Williams
Ferd A. Gnau	H. O. Porter	W. G. Williams
C. A. Hale	Kleber F. Price	Terrill A. Wilson
S. T. Hamilton	Grover C. Ransom	James W. Young

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There voted in the negative—

E. F. Prichard —1

Mr. Wagner offered the following amendment to the title of said bill, viz:

Amend H. B. 245 by striking the title in its entirely and inserting in lieu thereof, the following:

An Act repealing, amending and re-enacting Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition, so as to impose an occupational license tax only upon wholesalers, jobbers and retailers of cigarettes, restaurants, retailers of of ice cream and soft drinks, theaters, billiards and pool tables and bowling alleys, and providing certain exemptions therefrom and for the repeal of all licenses herein imposed except upon wholesalers of cigarettes effective June 29, 1940, of Section 4224a-1 as hereby amended and re-enacted and Sections 4190 through 4202a of Carroll's Kentucky Statutes, 1936 edition; repealing sections 4215, 4216, 4217b-1, through 4217b-10, 4218 through 4223a, 4223d-1 through 4223d-5, 4224, 4224c-1, 4224d-1 through 4224d-18 of Carroll's Kentucky Statutes, 1936 Edition; repealing all laws to the extent that they conflict, and providing a separability clause, and declaring an emergency.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Wagner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milam moved that the Rules of this House be suspended, and that a bill entitled:

S. B. 194. An Act to authorize railroad companies to

transport persons and property as common carriers by motor vehicles on highways and by aeroplanes in the air.

Be made a Special Order of the Day for Friday, February 25, at eleven o'clock A. M.

Said motion was agreed to.

Mr. Milam moved that the Rules of this House be suspended and that the House take up for immediate consideration from the Clerk's desk, a bill entitled:

H. B. 58. An Act relating to containers used in trade and repealing Sec. 1279, 1279a-2, etc.

With amendments thereto as adopted by the House.

Said motion was agreed to.

Thereupon the House took up for consideration from the Clerk's desk, said bill with amendments thereto as adopted by the House.

(For bill and amendment see House Journal of February 18.)

Mr. Bradbury offered the following amendments to said bill, viz:

9. Amend H. B. 58 on page 3, section 4, line 16 by inserting after the word "having" and before the word "by" the words "in possession"

10. Amend H. B. 58 on page 3, section 4, line 19 by striking out the word "possession"

Said amendments were each agreed to.

Mr. Bradbury moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ferd A. Gnau	Grover C. Ransom
William T. Baker	C. A. Hale	E. S. Robey
C. P. Bradbury	John M. Hunnicutt	Joe E. Robinson
C. C. Byrne	W. H. Hunt	William T. Rollo
H. S. Cleveland	Clyde D. Lester	Carl Scheben
T. Fowler Combs	H. H. McGuire	Leon J. Shaikun
G. Cunningham	William E. Mull	W. R. Tapp
Norman A. Curtis	Rodes K. Myers	Cass R. Walden
F. E. Daugherty	Homer Neikirk	Henry Ward
Forest C. Easley	Luster C. Oxley	J. D. White
Garland Embry	H. O. Porter	James W. Young
Raymond Eyl	E. F. Prichard	

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Those who voted in the negative were—

Geo. P. Anderson	Everett J. Bach	B. F. Bedford

Rell Bevins	William K. King	Thomas Rigdon
F. C. Boyd	D. T. Matlack	E. A. Rose
J. F. Carr	Peter P. Mattingly	W. S. Shanklin
Leonard Carson	C. C. May	Parker Sims
George S. Clay	Elmer McGlothen	A. Frank Tabb
Herbert Cook	J. H. McKinney	Carl M. Taylor
John C. Cornett	Stanley C. Moebus	Gabe B. Taylor
Willard Q. Daniel	John B. Mollette	Erna E. Tyra
L. M. Davisworth	Alfred A. Naff	Joe L. Wall
Sam Dever	Mel Petry	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
Chas. P. Farnsley	Kleber F. Price	John M. Williams
S. T. Hamilton	Hobart Rayburn	W. G. Williams
Ira W. Hulette	Hubert H. Read	Lee Roy Wilson

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Mr. Clay moved that the Rules of this House be suspended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 67. An Act to regulate display and sale of tobacco on loose leaf floors.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 75. Joint Resolution of the Senate and the House of Representatives providing that each Senator and Representative be reimbursed in an amount of Three Dollars ($3.00) per day from the general fund for all expenses incurred while performing official duties, and declaring an emergency.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each member of the House of Representatives and the Senate of the Commonwealth of Kentucky shall be reimbursed in an amount from the general fund of three dollars ($3.00) per day for all expenses necessarily incurred while performing strictly official duties.

§ 2. Whereby the members of the House of Representatives and the Senate of this Commonwealth would be inconvenienced and deprived of the necessary expenses incidental to their official duties an emergency is hereby declared to exist and this Act shall become a law and be effective upon its passage and approval by the Governor.

Mr. Moebus offered the following amendment to said resolution, viz:

Amend H. Res. 75 on page 1, section 1, line 4 by striking out the period after the word "duties" and adding the following "during the 1938 regular session of the General Assembly."

Said amendment was agreed to.

Ordered that resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	Hobart Rayburn
B. F. Bedford	William K. King	Hubert H. Read
Rell Bevins	Clyde D. Lester	William T. Rollo
F. C. Boyd	D. T. Matlack	E. A. Rose
C. C. Byrne	T. B. McConnell	Clarence Rush
Leonard Carson	Elmer McGlothen	Leon J. Shaikun
T. Fowler Combs	H. H. McGuire	W. S. Shanklin
Herbert Cook	J. H. McKinney	Parker Sims
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	John B. Mollette	Erna E. Tyra
Willard Q. Daniel	William E. Mull	Cass R. Walden
L. M. Davisworth	Alfred A. Naff	Joe L. Wall
Forest C. Easley	Homer Neikirk	R. E. West
Garland Embry	Luster C. Oxley	J. D. White
A. H. Eversole	Mel Petry	Lee Roy Wilson
S. T. Hamilton	Henry Plum	Terrill A. Wilson
C. L. Hammons	Grover C. Ransom	—53

Those who voted in the affirmative were—

William T. Baker	John M. Hunnicutt	John C. Robinson
C. P. Bradbury	Ben W. Johnson	Carl Scheben
J. F. Carr	Peter P. Mattingly	S. J. Wagner
George S. Clay	M. T. McCarthy	Henry Ward
H. S. Cleveland	Rodes K. Myers	H. L. Waterfield
F. E. Daugherty	H. O. Porter	James W. Young
Sam Dever	Kleber F. Price	Mr. Speaker
C. A. Hale	E. F. Prichard	
Ira W. Hulette	Joe E. Robinson	—25

Mr. Moebus offered the following amendment to the title of said resolution, viz:

Amend the title to H. Res. 75 by striking out the comma after the word "duties and inserting between the word "duties" and the word "and" the following: "during the 1938 regular session of the General Assembly."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Moebus moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 56. A resolution for the payment to W. H. Southall, of Hopkinsville, Kentucky, a fee for his services in representing T. Fowler Combs, representing the 14th Legislative District, in a contest hearing held before a Committee of the House of Representatives.

Said resolution is as follows, viz:

WHEREAS, T. Fowler Combs, the duly nominated candidate of the Democratic Party for the office of Representative from the 14th Legislative District composed of Christian County was elected Representative from the said district by a vote of twenty-two hundred and fifty-four (2254) votes, and

WHEREAS, the election of the said T. Fowler Combs was contested by the Republican nominee, and

WHEREAS, it was necessary in his defense to secure the services of an attorney, the said Combs employed W. H. Southall, an Attorney of Hopkinsville, Kentucky, to act as attorney for the said Combs, and

WHEREAS, the said Southall accepted said employment and properly performed his duties as an attorney, and appeared before the Legislative Committee, which occasioned considerable legal work and a great expense, and

WHEREAS, it is the desire of this body to pay to the

said W. H. Southall of Hopkinsville, Christian County, Kentucky, a reasonable fee for his services,

NOW, THEREFORE, *be it Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the amount of one hundred fifty dollars ($150.00) be and is hereby appropriated, to be paid to the said Herman Southall for his services in representing the said Representative, T. Fowler Combs, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the said amount, and deliver same to W. H. Southall for the purpose aforesaid.

Mr. Embry offered the following amendment to said resolution, viz:

Amend H. Res. 56 on page 2, sec. 1, line 6 by adding: "The amount of one hundred and fifty dollars ($150.00) is also appropriated to Alvan H. Clark, Attorney for the Contestant, F. W. Bowling"

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	William T. Baker	Rell Bevins
J. Everett Bach	B. F. Bedford	F. C. Boyd

C. P. Bradbury	John M. Hunnicutt	Hobart Rayburn
C. C. Byrne	Ira W. Hulette	Joe E. Robinson
J. F. Carr	W. H. Hunt	John C. Robinson
Leonard Carson	William K. King	William T. Rollo
George S. Clay	Clyde D. Lester	Clarence Rush
H. S. Cleveland	Peter P. Mattingly	Carl Scheben
Herbert Cook	C. C. May	Leon J. Shaikun
John C. Cornett	Elmer McGlothen	W. S. Shanklin
G. Cunningham	H. H. McGuire	Parker Sims
Willard Q. Daniel	G. Samuel Milam	Wm. St. C. Stuart
F. E. Daugherty	Stanley C. Moebus	A. Frank Tabb
L. M. Davisworth	John B. Mollette	Carl M. Taylor
Sam Dever	William E. Mull	Gabe B. Taylor
Forest C. Easley	Rodes K. Myers	S. J. Wagner
Garland Embry	Alfred A. Naff	Cass R. Walden
A. H. Eversole	Homer Neikirk	Joe L. Wall
Raymond Eyl	Mel Petry	Henry Ward
Chas. P. Farnsley	Henry Plum	H. L. Waterfield
Ferd A. Gnau	Kleber F. Price	R. E. West
C. A. Hale	E. F. Prichard	J. D. White
C. L. Hammons	Grover C. Ransom	John M. Williams

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There voted in the negative—

H. O. Porter —1

Mr. Myers offered the following amendment to the title of said resolution, viz:

Amend the title to H. Res. 56 by inserting the following: "and to Alvin Clark for services to F. W. Bowling" after word "district"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Porter moved that the vote by which said resolution

was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now adjourn to meet again on to-morrow at twelve o'clock Meridian.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 24, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend John T. Galloway of the Northern Presbyterian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Herbert Cook	C. A. Hale
Geo. P. Anderson	John C. Cornett	S. T. Hamilton
J. Everett Bach	G. Cunningham	C. L. Hammons
William T. Baker	Norman A. Curtis	Ira W. Hulette
B. F. Bedford	William J. Curtis	W. H. Hunt
Rell Bevins	Williard Q. Daniel	Ben W. Johnson
F. C. Boyd	F. E. Daugherty	William K. King
C. P. Bradbury	L. M. Davisworth	Clyde D. Lester
C. C. Byrne	Sam Dever	Carl Lyttle
J. F. Carr	Forest C. Easley	John Marshall
Leonard Carson	Garland Embry	D. T. Matlack
George S. Clay	A. H. Eversole	Peter P. Mattingly
H. S. Cleveland	Raymond Eyl	C. C. May
T. Fowler Combs	Ferd A. Gnau	M. T. McCarthy

T. B. McConnell	Kleber F. Price	W. R. Tapp
Elmer McGlothen	E. F. Prichard	Carl M. Taylor
H. H. McGuire	Hobart Rayburn	Gabe B. Taylor
G. Samuel Milam	Hubert H. Read	Erna E. Tyra
Alton Mitchell	Thomas Rigdon	S. J. Wagner
Stanley C. Moebus	E. S. Robey	Cass R. Walden
John B. Mollette	Joe E. Robinson	Joe L. Wall
William E. Mull	John C. Robinson	Henry Ward
Tyler F. Munford	William T. Rollo	H. L. Waterfield
Rodes K. Myers	E. A. Rose	L. Roger Wells
Alfred A. Naff	Clarence Rush	R. E. West
Homer Neikirk	Carl Scheben	J. D. White
Luster C. Oxley	Leon J. Shaikun	W. G. Williams
Mel Petry	W. S. Shanklin	Lee Roy Wilson
Henry Plum	Parker Sims	Terrill A. Wilson
H. O. Porter	Wm. St. C. Stuart	James W. Young

Mr. Eyl moved that the reading of the Journal of yesterday's proceedings be dispensed with

Said motion was agreed to.

At the instance of the Committee on Rules, the following resolution was introduced, viz:

By Mr. Porter.

H. Res. 82. A resolution authorizing and empowering Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 25th day of December, 1937, near the city limits of Lexington, Kentucky, on the Leestown Pike in Fayette County, Kentucky, an automobile of the Fayette County Patrol and then and there being operated. managed,

controlled and used by an employee of Fayette County, Kentucky, and in which Anna Henderson Smith was a passenger, had an accident, and the said Anna Henderson Smith was critically injured as a result of said accident, and

WHEREAS, the said Anna Henderson Smith was then, and is now, an infant and will not be twenty-one years of age until August, 1938,

Now, in order to determine by judicial action the question of whether the operator of said automobile was negligent and the said Anna Henderson Smith is entitled to damages against Fayette County, Kentucky, for her injuries,

Be is Resolved by the General Assembly of the Commonwealth of Kentucky:

That Anna Henderson Smith shall be, and she is hereby, empowered and authorized to sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, in her own name and right in the Fayette Circuit Court in Lexington, Kentucky, when she becomes twenty-one years of age, or the said Anna Henderson Smith may at this time, through a duly qualified and acting guardian sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, and if said suit is still pending when the said Anna Henderson Smith reaches the age of twenty-one years she may join in said suit in her own right and may continue the prosecution of said suit, either of said suits to be for the purpose of determining the liability, if any, of Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, for the injuries sustained by the said Anna Henderson Smith as a result of said accident.

Ordered that said resolution be printed and referred

To the Committee on Rules.

At the instance of the Committee on Rules, the House

took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 424. An Act to amend and re-enact Sec. 1, 3, 4, 6, 7 and 9 of Chapter 106 of the Acts of the 1932 General Assembly of the Commonwealth of Kentucky as amended providing for the further regulation of motor trucks, etc.

H. B. 412. An Act to amend and re-enact Sec. 2739j-94 of Carroll's Kentucky Statutes, 1936 Revision relating to the motor vehicle law and providing exemptions to certain classes of motor vehicles.

H. B. 427. An Act authorizing the Department of Revenue to require the use of crowns in collection of beer taxes.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 64. Resolution providing for the payment of certain claims due the parties whose names are set out herein and for the amounts set opposite their names, said claims being against the Commonwealth of Kentucky and have not been paid because said claims were not filed with the various departments or agencies of the government of this State at a time when there were sufficient funds in the appropriation to said departments to pay said claims and making an appropria-

tion therefor, in the total sum of fifteen thousand, three hundred and ninety-two dollars and two cents ($15,392.02).

Said resolution is as follows, viz:

Whereas, the following named persons have claims against the Commonwealth of Kentucky for the amounts set opposite their names as follows:

T. M. Crutcher Dental Depot, Louisville, Kentucky, $11.25, Welfare.

Peaslee Gaulbert Corporation, Louisville, Kentucky, $745.61, Welfare & Div. P. & P. P.

Frankfort Builders Supply Co., Frankfort, Kentucky, $18.00, Welfare.

Black Motor Company, Harlan, Kentucky, $10.93, Dept. Mines.

Cupplies-Hesse, St. Louis, Mo., $9.08, Div. Purchases.

John R. Sower Hardware, Frankfort, Ky., $63.48, Secretary State.

U. S. Chemical & Exterminating, Louisville, Ky., $114.00, Welfare.

Goodwin Brothers, Lexington, Ky., $390.00, Welfare.

M. J. Doll Produce Co., Louisville, Kentucky, $69.20, Welfare.

Ky. Electric Co., Louisville, Kentucky, $24.56, Welfare.

Louisville Grocery Co., Louisville, Kentucky, $83.01, Welfare.

H. A. Kraft's Sons, Louisville, Kentucky, $58.96, Welfare.

McKesson, Peter Neat Co., Louisville, Kentucky, $28.28, Welfare.

Vetter Produce Co., Louisville, Kentucky, $24.90, Welfare.

Standard Furnace & Range Co., Louisville, Kentucky, $66.45, Welfare.

Carter Dry Goods Co., Louisville, Kentucky, $33.29, Welfare.

Belknap Hardware Co., Louisville, Kentucky, $34.35, Welfare.

Armour & Company, Lexington, Kentucky, $99.00, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, $938.89, Welfare.

J. E. M. Milling Co., Frankfort, Kentucky, $56.50, Welfare.

Grocer's Banking Co., Lexington, Kentucky, $339.31, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, $1,135.24, Welfare.

Office Equipment Co., Louisville, Kentucky, $187.00, Welfare.

Frankfort Motor Sales, Frankfort, Kentucky, $1.15, Welfare.

Addressograph Sales Co., Louisville, Kentucky, $95.50, Welfare.

Addressograph Sales Co., Louisville, Kentucky, $70.00, Welfare.

Blanton Stove Company, Frankfort, Kentucky, $20.10, Welfare.

Spool Cotton Company, New York City, $39.90, Welfare.

Spool Cotton Company, New York City, $63.90, Welfare.

Spool Cotton Company, New York City, $3.99, Welfare.

Frankfort Ice & Coal Co., Frankfort, Kentucky, $18.00, Welfart.

Gulf Refining Company, Eddyville, Kentucky, $45.55, Welfare.

Mrs. W. T. Gregory, Eddyville, Kentucky, $46.80, Welfare.

Anheuser Bush, Eddyville, Kentucky $59.40, Welfare.

Gulf Refining Company, Frankfort, Kentucky, $11.88, Welfare.

Gulf Refining Company, Frankfort, Kentucky, $51.80, Welfare.

Gulf Refining Company, Frankfort, Kentucky, $37.40, Welfare.

Cecil C. Harp, Frankfort, Kentucky, $383.50, Welfare.

Harriet Cleek, R. N., Lexington, Ky., $15.00, Welfare.

Chemical Supply Co. Louisville, Ky., $82.50, Welfare.

LaGrew's Inc., $23.50, Welfare.

J. K. Whitt, Jailer, Prestonsburg, Ky., $624.00, Welfare.

R. K. Crain, Jailer, Danville, Kentucky, $1,313.00, Welfare.

J. H. Reed, Lexington, Ky., $16.35, Welfare.

W. Jess Buchanan, Eddyville, Ky., $5.85, Welfare.

Roger P. Whitten, Eddyville, Ky., $30.70, Welfare.

C. R. Logan, Eddyville, Ky., $113.25, Welfare.

Elmus Beale, Murray, Kentucky, $48.20, Welfare.

Chemical Construction Co., Memphis, Tenn., $1,627.50, Welfare.

Beatrice Young, R. N., Lexington, Kentucky, $5.00, Welfare.

Benson Valley Milling Co., Frankfort, Ky., $10.50, Welfare.

Troy C. Combs, Jailer, Hazard, Kentucky, $592.00, Welfare.

Alenite Company of O. Valley, $76.67, Welfare.

Lynch Construction Co., $192.62, Welfare.

Frey Planing Mill Company, $87.09, Welfare.

Clyde Lassiter, $10.00, Welfare.

Martin L. Brodie, $60.00, Welfare.

Joe M. Brown, $60.00, Welfare.

Grant Phillips, $25.00, Welfare.

Clifton Stanley, $20.00, Welfare.

Rue Clevenger, $20.00, Welfare.

Vernon Sanders, $20.00, Welfare.
Gene Dye, $20.00, Welfare.
Willie Kenney, $20.00, Welfare.
W. Jeff Hammond, $953.80, Welfare.
Frankfort Motor Sales, $4.35, Welfare.
Tom Pig's Cafe, $8.80, Welfare.
Armour & Company, $2.80, Welfare.
Broadway Grocery Company, $10.19, Welfare.
Given's Cafe, $53.55, Welfare.
Ebner Drug Inc., $2.77, Welfare.
Capital Hotel, $54.72, Welfare.
T. M. Crutcher Dental Depot, Louisville, Ky., $13.65 Welfare.
Cupples Hesse Envelope, St. Louis, Mo., $45.41, Welfare.
Plumbers Supply Company, Louisville, Ky., $17.83, Welfare.
Nashville Coal Co., Louisville, Ky., $1,090.08, Welfare.
Sterns Coal & Lumber Co., Stearns, Ky., $2,425.08, Welfare.
W. L. Trabue, D. D. S., Hopkinsville, Ky., $100.00, Welfare.
Total $15,392.02

WHEREAS, all of these claims are for services rendered to the Comonwealth of Kentucky and to the departments of the State of Kentucky as set opposite their names, and

WHEREAS, at the time the said bills were contracted by the departments there was an emergency and there was a sufficient sum in the appropriation of said departments at said time to pay said claims, but before the claims were presented to the departments, the fiscal year in which the said indebtedness was contracted had ended and the appropriation of said department was either exhausted or had reverted to the general fund, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the general fund the sum of fifteen thousand, three hundred and ninety-two dollars and two cents ($15,392.02) for the purpose of paying the claims of the parties herein named in the amounts set opposite their names which sums were contracted by the departments of state as set opposite the amounts and names of the parties herein.

§ 2. That said claims shall be audited by the Auditor of Public Accounts and paid out of the appropriation herein made and the Auditor of Public Accounts when he has audited said claims as to their correctness, will draw his warrant upon the State Treasurer in the name of the parties herein set out and for the amounts set opposite their names, and the Treasurer upon receipt of said warrant will issue his check to the parties for the respective amounts due them as herein set out.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	George S. Clay	Norman A. Curtis
Rell Bevins	H. S. Cleveland	William J. Curtis
F. C. Boyd	T. Fowler Combs	Willard Q. Daniel
C. P. Bradbury	Herbert Cook	F. E. Daugherty
C. C. Byrne	John C. Cornett	L. M. Davisworth
Leonard Carson	G. Cunningham	Sam Dever

Forest C. Easley	Alton Mitchell	Leon J. Shaikun
Garland Embry	Stanley C. Moebus	Parker Sims
C. A. Hale	William E. Mull	Wm. St. C. Stuart
S. T. Hamilton	Rodes K. Myers	W. R. Tapp
C. L. Hammons	Alfred A. Naff	Carl M. Taylor
W. H. Hunt	Homer Neikirk	Gabe B. Taylor
Ben W. Johnson	H. O. Porter	S. J. Wagner
William K. King	Kleber F. Price	Cass R. Walden
Clyde D. Lester	Ed F. Prichard	Henry Ward
Carl Lyttle	Hobart Rayburn	H. L. Waterfield
Peter P. Mattingly	Thomas Rigdon	R. E. West
C. C. May	E. S. Robey	J. D. White
M. T. McCarthy	William T. Rollo	John M. Williams
Elmer McGlothen	E. A. Rose	Terrill A. Wilson
H. H. McGuire	Clarence Rush	James W. Young
G. Samuel Milam	Carl Scheben	—65

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 68. A Joint Resolution, appropriating from the General Fund of the State of Kentucky the sum of Seventy Dollars ($70.00) for payment of claims ordered and issued to the Hon. C. D. Houchins, Judge of the Edmonson County Court, by the Edmonson Circuit Court:

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

There be and is hereby appropriated from the General

Fund of the State of Kentucky the sum of Seventy Dollars ($70.00) for the purpose of paying Judge C. D. Houchins' fees for services for holding examining trials ordered and issued by the Edmonson Circuit Court:

2/22/34	Estil Jones et al., charged with murder, for which they were indicted	$2.00
3/21/34	Jack Murray, false swearing	2.00
4/ 2/34	John Wingfield, charged with murder	2.00
5/25/34	Ben Dowel, charged with cold check above $20.00	2.00
6/16/34	Ulis Basham, charged with murder	2.00
6/16/34	Floyd Basham, charged with murder	2.00
7/15/34	Stanley Vincent, housbreaking	2.00
7/15/34	Leslie Houchins and Walter Lindsey, banding and confederating	2.00
8/24/34	Woodrow Vincent, cutting and wounding with intent to kill	2.00
7/25/34	Kirby Houchin, Ray Houchin, storehouse breaking	2.00
9/24/34	Ted Gipson, striking with intent to kill	2.00
10/23/34	Orland Monroe, deserting infant children	2.00
10/24/34	Eula Sanders, striking and wounding with a deadly weapon	2.00
10/30/34	Malcolm Barron, grand larceny	2.00
10/30/34	Franklyn Clark, grand larceny	2.00
11/ 2/34	Paul Houchin, horse stealing	2.00
11/ 6/34	Shelby Basham, cutting and wounding with intent to kill	2.00
11/ 6/34	Dunk Basham, aiding and abetting another with intent to kill	2.00
12/10/34	Dellard Saltsman, murder	2.00
1/ 7/34	Homer Scruggs, charged with forgery	2.00
2/ 4/35	Frank Wells, charged with grand larceny	2.00
3/18/35	Floyd Basham, Dewey Raymer, banding and confederating	2.00

3/18/35	Amos McGrew, Howard Vincent, grand larceny	2.00
3/ 6/35	Fount Hardin, shooting at another with intent to kill	2.00
5/ 7/35	Albert Conway, murder	2.00
5/11/35	Myrtle Coats, murder	2.00
5/12/35	Garvin Gus Coats, murder	2.00
8/ 2/35	Bill Ball Brooks, hog stealing	2.00
12/ 2/35	Allen Norris, forgery	2.00
12/ 3/35	Alberta Brunty, seduction under the promise of marriage	2.00
1/ 3/36	Walter Lindsey, seduction under the promise of marriage	2.00
4/15/36	Dewey Raymer, arson	2.00
10/ 6/36	Lena Coats, shooting and wounding with intent to kill	2.00
10/22/36	Collie James, Carmen Mills, et al.	2.00
11/12/36	Fonce Gipson, shooting and wounding with intent to kill	2.00
	TOTAL	$70.00

That the State Auditor be authorized and directed to draw warrant for said amount, payable to the said C. D. Houchins from the said fund.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr. J. Everett Bach Rell Bevins

F. C. Boyd	William K. King	Thomas Rigdon
C. P. Bradbury	Clyde D. Lester	E. S. Robey
C. C. Byrne	Carl Lyttle	William T. Rollo
J. F. Carr	D. T. Matlack	E. A. Rose
Leonard Carson	Peter P. Mattingly	Carl Scheben
George S. Clay	C. C. May	Leon J. Shaikun
H. S. Cleveland	M. T. McCarthy	Parker Sims
T. Fowler Combs	Elmer McGlothen	Wm. St. C. Stuart
Herbert Cook	G. Samuel Milam	W. R. Tapp
G. Cunningham	Alton Mitchell	Carl M. Taylor
Norman A. Curtis	Stanley C. Moebus	Gabe B. Taylor
William J. Curtis	John B. Mollette	Erna E. Tyra
F. E. Daugherty	William E. Mull	S. J. Wagner
L. M. Davisworth	Rodes K. Myers	Cass R. Walden
Sam Dever	Alfred A. Naff	Henry Ward
Forest C. Easley	Homer Neikirk	H. L. Waterfield
Garland Embry	Luster C. Oxley	R. E. West
Raymond Eyl	Mel Petry	J. D. White
C. A. Hale	H. O. Porter	John M. Williams
S. T. Hamilton	Kleber F. Price	Lee Roy Wilson
W. H. Hunt	Ed F. Prichard	Terrill A. Wilson
Ben W. Johnson	Hubert H. Read	James W. Young

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Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hammons moved that the Rules of this House be suspended and that the debate on all bills before the House on to-day be limited to five minutes for those who desire to be heard.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 74. Joint Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty dollars ($1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of eight hundred and eighty dollars ($880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly of the State of Kentucky, representing the amounts due them for services rendered in 1937 proof reading copies for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

Said resolution is as follows, viz:

WHEREAS, the Honorable Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly rendered services for which he is entitled to the sum of one thousand four hundred and thirty dollars ($1,430.00) pursuant to Section one thousand nine hundred and ninety-one (1991) of the Statutes, and

WHEREAS, the Honorable Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly rendered services amounting to eight hundred and eighty dollars ($880.00) pursuant to Section 1889a-2 and to Section 1991 of the Statues, and

WHEREAS, the Auditor of Public Accounts has refused to pay these according to his construction of said Section, which was contrary to the construction of the Attorney General's office, and

WHEREAS, said amounts are just and due and owing to said Clerk and Assistant Clerk, Now Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the sum of one thousand four hundred and thirty

dollars ($1,430.00) be and the same is hereby appropriated out of the Legislative Expense Fund to be paid to the said Brooks Hargrove; and the sum of eight hundred and eighty dollars ($880.00) be and the same is hereby appropriated out of the said Legislative Fund to be paid to the said Marshall Barnes; and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the aforesaid sums and to deliver same to the said Brooks Hargrove and Marshall Barnes for the purposes aforesaid.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	George S. Clay	Sam Dever
J. Everett Bach	H. S. Cleveland	Forest C. Easley
B. F. Bedford	T. Fowler Combs	Garland Embry
Rell Bevins	Herbert Cook	Raymond Eyl
F. C. Boyd	John C. Cornett	Ferd A. Gnau
C. P. Bradbury	William J. Curtis	C. A. Hale
C. C. Byrne	Willard Q. Daniel	S. T. Hamilton
J. F. Carr	F. E. Daugherty	C. L. Hammons
Leonard Carson	L. M. Davisworth	W. H. Hunt

Ben W. Johnson	Luster C. Oxley	W. R. Tapp
William K. King	Mel Petry	Carl M. Taylor
Clyde D. Lester	H. O. Porter	Gabe B. Taylor
Carl Lyttle	Kleber F. Price	Erna E. Tyra
D. T. Matlack	Ed F. Prichard	S. J. Wagner
Peter P. Mattingly	Grover C. Ransom	Cass R. Walden
C. C. May	Hobart Rayburn	Joe L. Wall
T. B. McConnell	Hubert H. Read	H. L. Waterfield
Elmer McGlothen	Thomas Rigdon	L. Roger Wells
H. H. McGuire	E. S. Robey	R. E. West
G. Samuel Milam	William T. Rollo	J. D. White
Alton Mitchell	E. A. Rose	John M. Williams
John B. Mollette	Carl Scheben	Lee Roy Wilson
William E. Mull	Leon J. Shaikun	Terrill A. Wilson
Rodes K. Myers	W. S. Shanklin	James W. Young
Alfred A. Naff	Parker Sims	
Homer Neikirk	Wm. St. C. Stuart	—76

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 60. Joint Resolution Providing for Furnishing Kentucky Directory.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding two dollars per copy

five hundred and fifty copies of the book entitled "Kentucky Directory 1938" for the use of the Courts, state and county officers and members of the General Assembly. The Librarian will furnish the members of the General Assembly and such officers as may be designated by the Presiding officers of the respective Houses a copy of same and will furnish the state officials with copies thereof and will send a copy thereof to the Clerk of the County Court of each county in the state to be kept in his office. The Librarian will furnish to the Librarian of each state and territory of the union a copy of said book in exchange for similar books for such state and territory, and a copy to the Librarian of Congress, and deliver to the Secretary of State fifty copies to exchange. The expense to be charged and paid out of the general revenue fund.

§ 2. It being necessary that the officers should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approved by the Governor.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ben W. Johnson	E. S. Robey
Geo. P. Anderson	William K. King	Joe E. Robinson
J. Everett Bach	Clyde D. Lester	William T. Rollo
William T. Baker	Carl Lyttle	E. A. Rose
F. C. Boyd	D. T. Matlack	Carl Scheben
C. P. Bradbury	C. C. May	Leon J. Shaikun
C. C. Byrne	T. B. McConnell	W. S. Shanklin
J. F. Carr	H. H. McGuire	Parker Sims
Leonard Carson	G. Samuel Milam	Wm. St. C. Stuart
George S. Clay	Alton Mitchell	A. Frank Tabb
H. S. Cleveland	Stanley C. Moebus	Carl M. Taylor
T. Fowler Combs	William E. Mull	Gabe B. Taylor
Herbert Cook	Tyler F. Munford	Erna E. Tyra
John C. Cornett	Rodes K. Myers	Cass R. Walden
William J. Curtis	Alfred A. Naff	Henry Ward
Willard Q. Daniel	Homer Neikirk	H. L. Waterfield
F. E. Daugherty	Luster C. Oxley	L. Roger Wells
L. M. Davisworth	Mel Petry	R. E. West
Forest C. Easley	H. O. Porter	J. D. White
Raymond Eyl	Kleber F. Price	John M. Williams
C. A. Hale	Ed. F. Prichard	W. G. Williams
S. T. Hamilton	Grover C. Ransom	Lee Roy Wilson
C. L. Hammons	Hobart Rayburn	James W. Young
W. H. Hunt	Hubert H. Read	—71

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 79. Resolution providing for additional compensation for the employees of the Senate and House.

Said resolution is as follows, viz:

Whereas, The present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

Whereas, The General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, Now Therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation, for the employees and officers of the Senate and the House of Representatives, to that compensation provided in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Seven thousand one hundred thirty-three ($7,133.00) dollars.

§ 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of Two Thousand six hundred and twenty-two dollars ($2,622.00) on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute to the employees and officers of the Senate such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938, the rate per day to be computed by said Chief Clerk and the presiding officer of the Senate on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a war-

rant, for the sum of four thousand five hundred eleven ($4,511.00) dollars on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938. The rate per day to be computed by said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 4. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

§ 5. Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart to various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	F. C. Boyd	George S. Clay
Everett J. Bach	C. P. Bradbury	T. Fowler Combs
William T. Baker	C. C. Byrne	Herbert Cook
B. F. Bedford	J. F. Carr	John C. Cornett
Rell Bevins	Leonard Carson	William J. Curtis

Willard Q. Daniel	J. H. McKinney	Parker Sims
F. E. Daugherty	Alton Mitchell	Wm. St. C. Stuart
L. M. Davisworth	Stanley C. Moebus	A. Frank Tabb
Sam Dever	John B. Mollette	Carl M. Taylor
Forest C. Easley	William E. Mull	Gabe B. Taylor,
Garland Embry	Rodes K. Myers	Erna E. Tyra
A. H. Eversole	Alfred A. Naff	S. J. Wagner
Raymond Eyl	Homer Neikirk	Cass R. Walden
Ferd A. Gnau	Luster C. Oxley	Joe L. Wall
C. A. Hale	Mel Petry	Henry Ward
C. L. Hammons	Kleber F. Price	H. L. Waterfield
W. H. Hunt	Ed F. Prichard	L. Roger Wells
Ben W. Johnson	Grover C. Ransom	R. E. West
William K. King	Hobart Rayburn	J. D. White
Clyde D. Lester	Hubert H. Read	J. M. Williams
Carl Lyttle	E. S. Robey	W. G. Williams
D. T. Matlack	William T. Rollo	Lee Roy Wilson
Peter P. Mattingly	E. A. Rose	Terrill A. Wilson
C. C. May	Clarence Rush	James W. Young
T. B. McConnell	Leon J. Shaikun	
H. H. McGuire	W. S. Shanklin	—76

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 66. Resolution authorizing the payment to G. L. Langdon, former Sheriff of Clay County, Kentucky, the sum of THREE HUNDRED TWENTY-NINE DOLLARS ($329.00) representing moneys spent by him in payment of jury claims which were later disallowed by the Auditor.

Said resolution is as follows, viz:

WHEREAS, at the April Term 1932 of the Clay Circuit Court it was necessary to obtain six (6) aditional jurors for the transaction of the business of the court, and

WHEREAS, G. L. Langdon, then Sheriff of Clay County, Kentucky, did in good faith purchase from the said six persons, White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts, and ....., upon their proper endorsement, the jury claims issued to them, aggregating a total of THREE HUNDRED TWENTY-NINE DOLLARS ($329.00), and

WHEREAS, when the claims of the aforesaid six jurors were presented to the Auditor for payment he refused to allow the said claims because, as he claimed, there were too many jurors at that term of the court, and

WHEREAS, the said Sheriff, G. L. Langdon, did in good faith expend the sum of three hundred twenty-nine dollars expecting that the Commonwealth would pay these jury claims as others are paid, according to law,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the sum of THREE HUNDRED TWENTY-NINE DOLLARS ($329.00) payable to G. L. Langdon, as compensation for moneys expended by him in purchasing jury claims in good faith from White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts and .....

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	Hobart Rayburn
Geo. P. Anderson	C. L. Hammons	Hubert H. Read
J. Everett Bach	Ira W. Hulette	Thomas Rigdon
William T. Baker	W. H. Hunt	William T. Rollo
B. F. Bedford	Ben W. Johnson	Clarence Rush
Rell Bevins	William K. King	Carl Scheben
F. C. Boyd	Clyde D. Lester	Leon J. Shaikun
C. P. Bradbury	Carl Lyttle	W. S. Shanklin
J. F. Carr	Peter P. Mattingly	Parker Sims
Leonard Carson	C. C. May	Wm. St. C. Stuart
George S. Clay	H. H. McGuire	A. Frank Tabb
H. S. Cleveland	J. H. McKinney	Carl M. Taylor
Herbert Cook	G. Samuel Milam	Gabe B. Taylor
John C. Cornett	Alton Mitchell	Erna E. Tyra
William J. Curtis	John B. Mollette	Cass R. Walden
Willard Q. Daniel	Tyler F. Munford	Joe L. Wall
F. E. Daugherty	Homer Neikirk	Henry Ward
L. M. Davisworth	Luster C. Oxley	H. L. Waterfield
Sam Dever	Mel Petry	L. Roger Wells
Forest C. Easley	Henry Plum	R. E. West
Garland Embry	H. O. Porter	J. D. White
Archie H. Eversole	Kleber F. Price	John M. Williams
Raymond Eyl	E. F. Prichard	W. G. Williams
C. A. Hale	Grover C. Ransom	James W. Young

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Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 78. A Joint Resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the County, a witness to testify in behalf of the Commonwealth at the regular Term of Court 1930, the sum of Forty-Eight Dollars and Sixty Cents ($48.60) with interest.

Said Resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Whereas, A. H. Boles, Special Bailiff, Monroe Circuit Court delivered from outside the County, a witness to testify in said court in behalf of the Commonwealth, and,

Whereas, the said Court allowed him an expense account of $48.60 for his services, which account is shown in the State Auditor's Book; and,

Whereas, though he has not collected it, it is a just and honest debt owed to the said A. H. Boles by the State of Kentucky

Now be it Resolved that there be, and is hereby appropriated out of the General Fund of the State of Kentucky, the sum of $48.60, with interest for the purpose of paying said A. H. Boles for said services, and the Auditor is authorized and directed to draw a warrant on the General Fund for the above named purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
Geo. P. Anderson
J. Everett Bach
William T. Baker
B. F. Bedford
Rell Bevins
F. C. Boyd
C. P. Bradbury
C. C. Byrne
J. F. Carr
Leonard Carson
T. Fowler Combs
Herbert Cook
John C. Cornett
G. Cunningham
Norman A. Curtis
William J. Curtis
Willard Q. Daniel
F. E. Daugherty
L. M. Davisworth
Forest C. Easley
Garland Embry
Archie H. Eversole
Raymond Eyl
Ferd A. Gnau
C. A. Hale
S. T. Hamilton
C. L. Hammons
Ira W. Hulette
William K. King
Clyde D. Lester
Carl Lyttle
D. T. Matlack
Peter P. Mattingly
C. C. May
Elmer McGlothen
J. H. McKinney
G. Samuel Milam
Alton Mitchell
Stanley C. Moebus
William E. Mull
Tyler F. Munford
Rodes K. Myers
Alfred A. Naff
Homer Neikirk
Luster C. Oxley
Mel Petry
H. O. Porter
Kleber F. Price
E. F. Prichard
Grover C. Ransom
Hobart Rayburn
Hubert H. Read
Thomas Rigdon
John C. Robinson
William T. Rollo
E. A. Rose
Clarence Rush
Carl Scheben
Leon J. Shaikun
W. S. Shanklin
Parker Sims
Wm. St. C. Stuart
A. Frank Tabb
W. R. Tapp
Carl M. Taylor
Gabe B. Taylor
Erna E. Tyra
S. J. Wagner
Cass R. Walden
Joe L. Wall
Henry Ward
H. L. Waterfield
L. Roger Wells
R. E. West
J. D. White
John M. Williams
W. G. Williams
Lee Roy Wilson
Terrill A. Wilson
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Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly, in which Ada Hathaway was traveling as a passenger, Ada Hathaway was injured, and

WHEREAS, Ada Hathaway sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

Now, in order that Ada Hathaway may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ada Hathaway, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either for the purpose of determining the liability of the Commonwealth

of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Ada Hathaway, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Ada Hathaway shall be Six Thousand ($6000.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	H. S. Cleveland	F. E. Daugherty
J. Everett Bach	T. Fowler Combs	Sam Dever
William T. Baker	Herbert Cook	Forest C. Easley
B. F. Bedford	John C. Cornett	Garland Embry
Rell Bevins	G. Cunningham	Archie H. Eversole
F. C. Boyd	Norman A. Curtis	Raymond Eyl
C. P. Bradbury	William J. Curtis	C. A. Hale
J. F. Carr	Willard Q. Daniel	C. L. Hammons

Ira W. Hulette	Homer Neikirk	Leon J. Shaikun
W. H. Hunt	Mel Petry	W. S. Shanklin
Ben W. Johnson	Henry Plum	Parker Sims
Clyde D. Lester	H. O. Porter	Wm. St. C. Stuart
Carl Lyttle	Kleber F. Price	Carl M. Taylor
Peter P. Mattingly	E. F. Prichard	Gabe B. Taylor
C. C. May	Grover C. Ransom	Erna E. Tyra
M. T. McCarthy	Hobart Rayburn	Cass R. Walden
H. H. McGuire	Hubert H. Read	Henry Ward
G. Samuel Milam	Thomas Rigdon	L. Roger Wells
Stanley C. Moebus	Joe E. Robinson	R. E. West
William E. Mull	William T. Rollo	Terrill A. Wilson
Rodes K. Myers	E. A. Rose	James W. Young
Alfred A. Naff	Carl Scheben	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the per-

formance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Sallie B. Jones was traveling as a passenger, Sallie B. Jones was injured, and

WHEREAS, Sallie B. Jones sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Sallie B. Jones may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sallie B. Jones, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky, and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Sallie B. Jones, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Sallie B. Jones shall be Six Thousand ($6000.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Grover C. Ransom
J. Everett Bach	C. L. Hammons	Hobart Rayburn
William T. Baker	Ira W. Hulette	Hubert H. Read
B. F. Bedford	W. H. Hunt	Thomas Rigdon
Rell Bevins	Ben W. Johnson	Joe E. Robinson
F. C. Boyd	Clyde D. Lester	William T. Rollo
C. P. Bradbury	Carl Lyttle	E. A. Rose
J. F. Carr	Peter P. Mattingly	Carl Scheben
H. S. Cleveland	C. C. May	Leon J. Shaikun
T. Fowler Combs	M. T. McCarthy	W. S. Shanklin
Herbert Cook	Heman H. McGuire	Parker Sims
John C. Cornett	G. Samuel Milam	Wm. St. C. Stuart
G. Cunningham	Stanley C. Moebus	Carl M. Taylor
Norman A. Curtis	William E. Mull	Gabe B. Taylor
William J. Curtis	Rodes K. Myers	Erna E. Tyra
Willard Q. Daniel	Alfred A. Naff	Cass R. Walden
F. E. Daugherty	Homer Neikirk	Henry Ward
Sam Dever	Mel Petry	L. Roger Wells
Forest C. Easley	Henry Plum	R. E. West
Garland Embry	H. O. Porter	Terrill A. Wilson
A. H. Eversole	Kleber F. Price	James W. Young
Raymond Eyl	E. F. Prichard	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Fannie B. Anderson was traveling as a passenger, Fannie B. Anderson was injured, and

WHEREAS, Fannie B. Anderson sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Fannie B. Anderson may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Fannie B. Anderson, in her own right name,

be and she is hereby empowered and authorized to file and prosecute appropriate actions, against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Fannie B. Anderson, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Fannie B. Anderson shall be Six Thousand ($6000.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Rell Bevins	H. S. Cleveland
J. Everett Bach	F. C. Boyd	T. Fowler Combs
William T. Baker	C. P. Bradbury	Herbert Cook
B. F. Bedford	J. F. Carr	John C. Cornett

G. Cunningham	C. C. May	Joe E. Robinson
Norman A. Curtis	M. T. McCarthy	William T. Rollo
William J. Curtis	H. H. McGuire	E. A. Rose
Willard Q. Daniel	G. Samuel Milam	Carl Scheben
F. E. Daugherty	Stanley C. Moebus	Leon J. Shaikun
Sam Dever	William E. Mull	W. S. Shanklin
Forest C. Easley	Rodes K. Myers	Parker Sims
Garland Embry	Alfred A. Naff	Wm. St. C. Stuart
A. H. Eversole	Homer Neikirk	Carl M. Taylor
Raymond Eyl	Mel Petry	Gabe B. Taylor
C. A. Hale	Henry Plum	Erna E. Tyra
C. L. Hammons	H. O. Porter	Cass R. Walden
Ira W. Hulette	Kleber F. Price	Henry Ward
W. H. Hunt	Ed F. Prichard	L. Roger Wells
Ben W. Johnson	Grover C. Ransom	R. E. West
Clyde D. Lester	Hobart Rayburn	Terrill A. Wilson
Carl Lyttle	Hubert H. Read	James W. Young
Peter P. Mattingly	Thomas Rigdon	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 69. Resolution authorizing Bruce Peters to sue the Commonwealth.

Said resolution is as follows, viz:

WHEREAS, in January, February and March, 1937 Bruce Peters, while a private in Company F. 149th Infantry, was called for duty in Shelbyville, Shelby County, in Frankfort, Franklin County, was unduly and beyond the limits of human endurance, was negligently exposed to water, wind,

cold and thereby contracted permanent ill health and diseases for which he is duly advised by his physician there is no recovery.

NOW, in order that said Bruce Peters may determine all his rights by and through the courts of justice caused as aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

§ 1. That Bruce Peters, a citizen and resident of Owsley County, Kentucky, be empowered and authorized to file suit against the Commonwealth of Kentucky for such damage if any there be arising from his negligence unusual exposure, causing him to be a permanent invalid and in event there is recovery or if same is compromised or settled, a judgment or amount agreed on shall be paid by the Auditor of Public Accounts by a warrant on the State Treasurer and paid out of the general funds.

§ 2. Said action may be brought in any county having jurisdiction of the parties and the subject matter. Either party to any suit may appeal from any judgment that may be entered therein as in any other civil suit and the case may be settled and adjusted, with the consent and approval of the Attorney General of Kentucky the same way as in any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Grover C. Ransom
J. Everett Bach	C. L. Hammons	Hobart Rayburn
William T. Baker	Ira W. Hulette	Hubert H. Read
B. F. Bedford	W. H. Hunt	Thomas Rigdon
Rell Bevins	Ben W. Johnson	Joe E. Robinson
F. C. Boyd	Clyde D. Lester	William T. Rollo
C. P. Bradbury	Carl Lyttle	E. A. Rose
J. F. Carr	Peter P. Mattingly	Carl Scheben
H. S. Cleveland	C. C. May	Leon J. Shaikun
T. Fowler Combs	M. T. McCarthy	W. S. Shanklin
Herbert Cook	H. H. McGuire	Parker Sims
John C. Cornett	G. Samuel Milam	Wm. St. C. Stuart
G. Cunningham	Stanley C. Moebus	Carl M. Taylor
Norman A. Curtis	William E. Mull	Gabe B. Taylor
William J. Curtis	Rodes K. Myers	Erna E. Tyra
Willard Q. Daniel	Alfred A. Naff	Cass R. Walden
F. E. Daugherty	Homer Neikirk	Henry Ward
Sam Dever	Mel Petry	L. Roger Wells
Forest C. Easley	Henry Plum	R. E. West
Garland Embry	H. O. Porter	Terrill A. Wilson
A. H. Eversole	Kleber F. Price	James W. Young
Raymond Eyl	Ed F. Prichard	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of

them, and the Statute of Limitation not to apply until and from the passage of this resolution.

Said resolution is as follows, viz:

WHEREAS, on December thirteen (13), One thousand nine hundred twenty-six (1926), the dormitory for girls at the Kentucky State Industrial College for Colored persons near Frankfort, Kentucky, was destroyed by fire, and

WHEREAS, Omelia Bowen Murphy, was severely, painfully and permanently injured on and about the shoulders, arms, legs, hands and body, and

WHEREAS, it is claimed that the said fire was entirely caused through and by the gross negligence and gross carelessness of the agents, servants and employees of the said Kentucky State Industrial College in the operation of the said institution which is managed, controlled and supported by the Commonwealth of Kentucky, and

WHEREAS, Omelia Bowen Murphy, sustained said serious, permanent and painful injuries because of the alleged carelessness and negligence of the said employees while in the discharge and conduct of the operation of the said state institution for and on behalf of the Commonwealth of Kentucky; Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Omelia Bowen Murphy be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Indusrtial College or either in the Circuit Court of Franklin County, Kentucky, for such damages as she may have suffered, if any, by reason of any injuries received by her through the carelessness or negligence of the Kentucky State Industrial College, its agents, or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand ($10,000.00) Dollars, and in the event any judgment is recovered by said Omelia Bowen Mur-

phy in said suit for injuries to herself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Either party to said suit may appeal from the judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney-General of Kentucky in the same way as any other civil suit, and the Statute of Limitation not to apply until and from the passage of this resolution.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	William J. Curtis	Carl Lyttle
J. Everett Bach	Willard Q. Daniel	Peter P. Mattingly
William T. Baker	F. E. Daugherty	C. C. May
B. F. Bedford	Sam Dever	M. T. McCarthy
Rell Bevins	Forest C. Easley	H. H. McGuire
F. C. Boyd	Garland Embry	G. Samuel Milam
C. P. Bradbury	A. H. Eversole	Stanley C. Moebus
J. F. Carr	Raymond Eyl	William E. Mull
H. S. Cleveland	C. A. Hale	Rodes K. Myers
T. Fowler Combs	C. L. Hammons	Alfred A. Naff
Herbert Cook	Ira W. Hulette	Homer Neikirk
John C. Cornett	W. H. Hunt	Mel Petry
G. Cunningham	Ben W. Johnson	Henry Plum
Norman A. Curtis	Clyde D. Lester	H. O. Porter

Kleber F. Price	E. A. Rose	Erna E. Tyra
Ed F. Prichard	Carl Scheben	Cass R. Walden
Grover C. Ransom	Leon J. Shaikun	Henry Ward
Hobart Rayburn	W. S. Shanklin	L. Roger Wells
Hubert H. Read	Parker Sims	R. E. West
Thomas Rigdon	Wm. St. C. Stuart	Terrill A. Wilson
Joe E. Robinson	Carl M. Taylor	James W. Young
William T. Rollo	Gabe B. Taylor	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

Said resolution is as follows, viz:

WHEREAS, on or about October 31, 1933, a truck owned and operated by the State Highway Commission of Kentucky (now Department of Highways of the Commonwealth of Kentucky) collided with a truck owned by Leo Caproni, on a public highway near Vanceburg, Lewis County, Kentucky, and

WHEREAS, the said Leo Caproni claims that the driver of the truck owned by him with without fault or negligence in said collision and that the accident was the result of the gross carelessness and negligence of the driver of the truck owned

and operated by the State Highway Commission of Kentucky, and

WHEREAS, the said Leo Caproni claims that as the direct and proximate result of said accident and collision he sustained damages to his truck and to merchandise or property carried upon said truck in the amount of approximately $1,000.00, and

WHEREAS, in the judgment of the General Assembly of the Commonwealth of Kentucky the said Leo Caproni should be permitted to maintain a suit against the Department of Highways of the Commonwealth of Kentucky and/or the Commonwealth of Kentucky, to recover said damages, if it be established that said accident and the resulting damages were the direct and proximate result of the carelessness or negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Le Caproni be and he hereby is authorized, empowered and permitted to sue the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, in the Lewis Circuit Court or in the Franklin Circuit Court, as he may elect for such damages as he may have sustained, if any, by reason of the aforesaid accident and collision, and in such suit he shall be permitted to show all the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky was negligent in the operation of said truck, and if the jury shall decide that there was negligence on the part of any such employee of said State Highway Commission and that as the direct and proximate result thereof said collision and the resulting damages occurred then the said Leo Caproni may recover from the Commonwealth of Kentucky and/or the Department of Highways of

the Commonwealth of Kentucky, such sum as will fairly and reasonably compensate him for such damages, including court costs, the whole amount, however, not to exceed the sum of $1,000.00. In the event a judgment is recovered in such suit by the said Leo Caproni the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim, either before or after the filing of suit, upon such terms as may be agreed.

The Department of Highways of the Commonwealth of Kentucky, the Commonwealth of Kentucky, and the said Leo Caproni, or either of them, shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

G. P. Anderson	H. S. Cleveland	F. E. Daugherty
J. Everett Bach	T. Fowler Combs	Sam Dever
William T. Baker	Herbert Cook	Forest C. Easley
B. F. Bedford	John C. Cornett	Garland Embry
Rell Bevins	G. Cunningham	A. H. Eversole
F. C. Boyd	Norman A. Curtis	Raymond Eyl
C. P. Bradbury	William J. Curtis	C. A. Hale
J. F. Carr	Willard Q. Daniel	C. L. Hammons

Ira W. Hulette	Homer Neikirk	Leon J. Shaikun
W. H. Hunt	Mel Petry	W. S. Shanklin
Ben W. Johnson	Henry Plum	Parker Sims
Clyde D. Lester	H. O. Porter	Wm. St. C. Stuart
Carl Lyttle	Kleber F. Price	Carl M. Taylor
Peter P. Mattingly	E. F. Prichard	Gabe B. Taylor
C. C. May	Grover C. Ransom	Erna E. Tyra
M. T. McCarthy	Hobart Rayburn	Cass R. Walden
H. H. McGuire	Hubert H. Read	Henry Ward
G. Samuel Milam	Thomas Rigdon	L. Roger Wells
Stanley C. Moebus	Joe E. Robinson	R. E. West
William E. Mull	William T. Rollo	Terrill A. Wilson
Rodes K. Myers	E. A. Rose	James W. Young
Alfred A. Naff	Carl Scheben	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 81. Joint Resolution authorizing Georget Luttrell and his wife Nora Luttrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky; the Senate concurring therein, that

WHEREAS, George Luttrell and Noral Luttrell, his wife, are owners of a tract of land in Edmonson County, Kentucky, claim that their property has been damaged by blasting done at the state quarry operated by the State Highway Commission in Edmonson County, and

BE IT RESOLVED THAT George Luttrell and his wife,

Nora Luttrell are hereby authorized to enter suit in the Edmonson Circuit Court against the Commonwealth of Kentucky, its Department of Highways, both or either in the option of said claimants, both or either, as they want, for damages to their property from blasting as set out hereinabove and in the event a judgment is recovered the losing party may appeal to the Court of Appeals and in the event of a judgment in their favor or if said suit is settled or compromised same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury out of the Highway Fund.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Norman A. Curtis	Ben W. Johnson
J. Everett Bach	William J. Curtis	Clyde D. Lester
William T. Baker	Willard Q. Daniel	Carl Lyttle
B. F. Bedford	F. E. Daugherty	Peter P. Mattingly
Rell Bevins	Sam Dever	C. C. May
F. C. Boyd	Forest C. Easley	M. T. McCarthy
C. P. Bradbury	Garland Embry	H. H. McGuire
J. F. Carr	A. H. Eversole	G. Samuel Milam
H. S. Cleveland	Raymond Eyl	Stanley C. Moebus
T. Fowler Combs	C. A. Hale	William E. Mull
Herbert Cook	C. L. Hammons	Rodes K. Myers
John C. Cornett	Ira W. Hulette	Alfred A. Naff
G. Cunningham	W. H. Hunt	Homer Neikirk

Mel Petry	Joe E. Robinson	Gabe B. Taylor
Henry Plum	William T. Rollo	Erna E. Tyra
H. O. Porter	E. A. Rose	Cass R. Walden
Kleber F. Price	Carl Scheben	Henry Ward
Ed F. Prichard	Leon J. Shaikun	L. Roger Wells
Grover C. Ransom	W. S. Shanklin	R. E. West
Hobart Rayburn	Parker Sims	Terrill A. Wilson
Hubert H. Read	Wm. St. C. Stuart	James W. Young
Thomas Rigdon	Carl M. Taylor	—65

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 67. An Act to regulate the display and sale of tobacco on loose leaf floors.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all loose leaf tobacco warehouses in Kentucky where tobacco is offered for sale, any seller who has rejected the sale of a basket or baskets of tobacco shall have the right to move the said basket or baskets to any vacant space in the warehouse, which is used for the display and sale of tobacco, and may offer the said basket or baskets for sale on the same day as the rejected bid was made, if such space be available.

Said amendent as proposed by the Committe on Rules, is as follows, viz:

Amend H. B. 67 at the end of the bill by adding the following section: "The provisions of this Act shall only apply to the growers of the tobacco mentioned in this bill."

Mr. Rayburn moved that said amendment be laid on the table.

Said motion was disagreed to.

Said amendment was then agreed to.

Mr. Hammons moved the Previous Question.

Thereupon the Speaker announced "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	G. Cunningham	C. L. Hammons
William T. Baker	William J. Curtis	Ira W. Hulette
Rell Bevins	Willard Q. Daniel	W. H. Hunt
C. P. Bradbury	F. E. Daugherty	Clyde D. Lester
C. C. Byrne	Forest C. Easley	John Marshall
J. F. Carr	Garland Embry	Peter P. Mattingly
H. S. Cleveland	A. H. Eversole	C. C. May
T. Fowler Combs	C. A. Hale	Elmer McGlothen

J. H. McKinney	Grover C. Ransom	Wm. St. C. Stuart
Alton Mitchell	Joe E. Robinson	Carl M. Taylor
Rodes K. Myers	John C. Robinson	Erna E. Tyra
Henry Plum	William T. Rollo	S. J. Wagner
H. O. Porter	E. A. Rose	Terrill A. Wilson
Kleber F. Price	W. S. Shanklin	James W. Young
E. F. Prichard	Parker Sims	—44

Those who voted in the negative were—

G. P. Anderson	D. T. Matlack	Carl Scheben
J. Everett Bach	M. T. McCarthy	Leon J. Shaikun
B. F. Bedford	Stanley C. Moebus	A. Frank Tabb
F. C. Boyd	John B. Mollette	Gabe B. Taylor
Leonard Carson	William E. Mull	Cass R. Walden
George S. Clay	Tyler F. Munford	Henry Ward
Herbert Cook	Alfred A. Naff	H. L. Waterfield
L. M. Davisworth	Hobart Rayburn	L. Roger Wells
Sam Dever	Hubert H. Read	John M. Williams
S. T. Hamilton	Thomas Rigdon	W. G. Williams
Ben W. Johnson	E. S. Robey	Lee Roy Wilson
William K. King	Clarence Rush	—35

Resolved that the title thereof be as aforesaid.

Mr. Mattingly moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Myers moved that Mr. George Dale Robinson and Mr. James W. Robinson be appointed Honorary Pages of this House.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 379. An Act concerning wild animals, wild birds

and fish; and repealing sections one thousand eight hundred ninety-three b-one (1893b-1) to one thousand nine hundred five-seven (1905-7) inclusive, Sections one thousand nine hundred thirty-eight a-one (1938a-1) to one thousand nine hundred fifty-four-twenty-one (1954-21) inclusive, and Sections one thousand nine hundred fifty-four c-one (194c-1) to one thousand nine hundred fifty-four c-sixty-nine (7954c-69) inclusive, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of Kentucky:

TITLE I.

SHORT TITLE; DEFINITIONS

§ 1. *Short Title.* This Act shall be known as the Game and Fish Code:

§ 2. Definitions. As used in this Act.

(a) "Person" includes association, partnership and corporation.

(b) "Division" means Division of Game and Fish of Department of Conservation.

(c) "Commission" means Game and Fish Advisory Commission and "Director" means Director of Game and Fish Division.

(d) "Take" means hunt, kill or capture or attempt to hunt, kill or capture.

(e) "Angling" means taking fish by hook and line in hand, or rod in hand, or set-lines; or trot lines; but the use of grappling naked and snatch hooks, gigs and nets of any kind shall not be construed as angling.

(f) "Transport" includes offering or receiving for transportation.

(g) "Sell" includes offer for sale, possess for sale, barter, exchange or trade.

(h) "Buy" includes offering to buy, possess after buying by barter, exchange or trade.

(i) "Navigable Waters" means any waters within this State under lock and dam.

(j) "Minnows" means all small fish used for bait for angling except black bass, trout, crappie and rock bass or "goggle-eye".

(k) "Public Waters" mean all waters within the State flowing in natural channel streams.

(l) "Each Offense" means each bird, fish or animal taken, possessed, bought or sold or transported or each device used or possessed contrary to the provisions of this Act shall constitute a separate offense.

(m) "Wild Bird and Wild Animal" shall include such wild bird or wild animal or any part thereof.

(n) "Resident" is a person who has resided in this State for one year prior to their application for license.

"Non-Resident" is a person who has not resided in this State for one year prior to their application for a license.

(o) "Officer" means Conservation Officer.

Title II.

GENERAL PROVISIONS

§ 3. *Division of Game and Fish; Director; Commission; Manner and Time of Appointment.* The affairs of the Division of Game and Fish heretofore created by the "Governmental Reorganization Act of 1936", shall be administered by a Director under the supervision of the Commissioner of Conservation and an advisory Commission of seven members to hold office as is now provided by law except that those who compose the Commission on the effective date of this Act shall remain in office and the additional members created by this Act shall be appointed by the Governor, as now provided by law, for a four-year term and as is now provided when their

respective terms expire their successors shall be appointed for four-year terms.

Nothing in this Act shall be construed to deprive the Governor of the right to remove any of the Officers, Commissioners or employees provided for in this Act.

§ 4. *Expenses of Commission.* The members of the Commission shall receive no compensation for their services as members thereof except that each Commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses and disbursements incurred or made by him in the discharge of his official duties up to the amount of ($1,000.00) one thousand dollars a year to be paid from the Game and Fish Fund.

§ 5. *Quorum.* A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power.

§ 6. *Location of Offices.* The Commission shall have its principal office in Frankfort, Kentucky.

§ 7. *Offices of Commission.* When the office of Chairman of the Commission becomes vacant the Governor shall from its members select a chairman to hold such position for the remainder of his term or for such period of time as the Governor may designate. The position of Secretary shall be filled from the membership of the Commission. The Commission shall hold regular quarterly meetings at its offices in the Capitol and at such other times and places in Kentucky as the Commisson shall select for the transaction of business.

§ 8. *Oath and Board of Director.* Before entering upon the duties of his office the Director shall take and subscribe to the constitutional oath of office and shall in addition thereto swear or affirm that he holds no other political office nor any position under any political Committee or party. Such oath or affirmation shall be filed in the office of the Secretary of State.

The Director shall execute and file with the State Treasurer a bond to the people of the State of Kentucky, in the sum

of ($5,000.00) conditioned upon the faithful performance of his duties and that he will account for and pay over pursuant to law all State monies received by him under law for the protection of wild animals, birds and fish. The premium on such bond shall be paid from the Game and Fish fund.

§ 9. *Enforcement of Game and Fish Laws.* The Director shall have general supervision and control of all activities, functions and employees of the Game and Fish Division and shall enforce all of the provisions of the laws of this State relating to wild animals, birds and fish and shall exercise all necessary powers incident thereto, under the supervision of the Commissioner of Conservation.

The Director is hereby authorized to appoint with the approval of the Commissioner of Conservation and the Governor as many Conservation officers as may be required to efficiently enforce the provisions of this Act. It shall be the duty of the Conservation Officers, or such other person or persons appointed by the Director, Sheriffs or their deputies, Constables or their deputies, and all peace officers within the State to enforce the provisions of this Act. They may arrest on sight without a warrant, any person detected by them or any of them in the act of violating any of the provisions of this Act. They shall have the same right as Sheriffs to require aid in arresting without process or with process any person or persons found by them in the act of violating the provisions of this Act, or they, or any of them shall have the authority to seize without process anything declared by this Act to be contraband and no liability shall be incurred by any person so charged and directed.

§ 10. *Disposition of Monies.* All monies derived from the sale of licenses under this Act or from any source connected with the administration of this Act by whomever received, except as is herein provided concerning County Clerk's fees and the distribution of fines and forfeitures imposed under this Act, shall be promptly paid over to the State Treasurer, who shall deposit such monies in a special fund known

as the "Game and Fish Fund", which is hereby reserved, set-aside, appropriated and made available until expended in carrying out the purposes of this Act or any law or regulation for the protection of wild animals, birds or fish and shall be used for no other purpose. All warrants shall be drawn on said funds in the manner provided by the Constitution or by statute.

All funds, monies and property properly belonging to the Game and Fish fund under the heretofore existing law on the effective date of this Act are hereby reserved to the said fund above mentioned.

§ 11. *Financial Policies.* Funds in the Game and Fish fund shall be withdrawn by the Director for such purposes as the Commissioner of Conservation may direct in the manner now provided by law.

§ 12. *Duties of Magistrates and Clerks of Courts.* It shall be the duty of each magistrate or clerk of the Court before whom any prosecution under this Act or any law or regulation for the protection of wild animals, birds or fish may be commenced or shall go on appeal and within twenty days after a decision has been rendered therein to report in writing to the Director, the result of the prosecution, the amount of fine collected or penltay imposed, if any, therein. All monies collected as fines or penalties for the violations of the provisions of this Act or any law or regulation for the protection of wild animals, birds or fish, which according to law goes to the Game and Fish fund shall be within thirty days paid over to the Division by the Court, Magistrate, or other officer collecting or receiving same, and shall be within thirty days paid over to the State Treasurer by the Division, and credited to the Game and Fish fund.

§ 13. *Hunting, Trapping, Fishing or Purchasing Pelts without License Prohibited; Exceptions; Penalty.* No person sixteen years of age or older shall take wild animals, or trap for taking the same, or use a gun, or take wild birds, or take fish by angling or buy the pelts of wild animals for commercial

purposes, without first having secured a license therefor as herein provided. And no person under sixteen years of age shall take wild animals except by trapping or buy the pelts of wild animals for commercial purposes or take wild birds without having first procured a license therefor as herein provided.

Provided, however, that land owners, their resident children and lessee's on such lands may without a license take fish by angling from the waters therein and wild animals and wild birds therefrom subject to the further provisions of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars nor more than one hundred dollars for each offense.

§ 14. *Buying, Selling or Transporting Protected Game and Fish Prohibited; Exceptions; Penalty.* No person shall sell or buy at any time, in this State any species of wild animal, wild bird or fish which are protected by this Act subject, however, to the following exceptions: The pelts of fur bearing animals, rabbits and fish, "except black bass and crappie", legally in possession may be sold or bought. Any violation of this Section shall be a misdemeanor and the person convicted thereof before a Court of Competent jurisdiction shall be fined not less than twenty five dollars nor more than two hundred dollars for each offense.

No person for himself or as agent or employee, shall transport any wild birds, wild animals or fish, protected by this Act, except a person may transport with him as part of his personal baggage wild birds, wild animals, or fish legally in possession, without being accompanied by the owner thereof and the furs and skins of fur bearing animals may be transported at any time. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars for each offense.

§ 15. *Licenses and Badges; Application for.* The Commission and Director are hereby authorized to adopt the design of the licenses required by this Act, and to make all regulations for the issuance of same. Said design, however, must contain a badge or button to be worn on the licensee's outside clothing and provided further that the license shall only be issued pursuant to a written application subscribed and sworn to by the applicant and giving the following information: sufficient general description of the applicant to identify him, his name, place of residence, house number or name of his nearest neighbor.

§ 16. *Licenses and License Fees; Date of Non-Resident Licenses; Badge Worn.* The fees required for licenses provided for by this Act shall be as follows:

As to residents of Kentucky:

Hunting license	$1.00
Fishing license	1.00
Trapping license	1.00
Seining license and one tag for 100 feet of seine or part thereof	5.25
Additional tags per 100 feet of seine or part thereof	2.00
Hoop net license	1.25
Each additional hoop net	1.00
Fur buyers or dealers	2.00

As to non-residents of Kentucky:

Hunting license (season)	$10.50
Fishing license (season)	2.50
Fishing license (for seven consecutive days)	1.00
Trapping license	10.50
Seining license	10.50
Tags per 100 feet of seine or part thereof	4.00
Hoop net license	2.50
Each additional hoop net	2.00
Fur buyers or dealers	75.00

In each of the non-resident, seven consecutive day licenses

issued, the County Clerk shall state the day such licenses begin.

And provided further that no person shall take or trap for any wild animals or fish or take wild birds without having the license provided therefor in his possession and the button or badge provided therewith attached to the outside of his clothing in a conspicuous manner and upon the failure to do so he shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars, nor more than one hundred dollars for each offense.

§ 17. *County Clerk's Fees; Disposition of Fees; Issuance of License.* The County Court Clerk shall retain of money received for each resident hunting license, each resident fishing and each resident trapping license, for each non-resident seven day fishing license, for each additional tag for each additional 100 feet of seine or part thereof, and for each additional hoop net license the sum of fifteen (.15c) cents; for each seining license and one tag for 100 feet of seine or part thereof, for each hoop net license, and for each non-resident season fishing license the sum of twenty five cents (.25c); for each non-resident hunting license, for each non-resident seining license and one tag for 100 feet of seine or part thereof, the sum of fifty cents (.50c). The fees above provided shall cover the swearing of the applicant to the affidavit referred to in this Act, and all other services under this Act. Said County Clerk shall pay the balance remaining after deducting his fees, to the State Treasurer, on the first of each month, which amount shall be converted into the Game and Fish fund, and the said County Clerk shall report to the said Director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

The County Court Clerk shall issue all licenses and tags provided for in this Act except as is otherwise herein provided to all applicants complying with the provisions of this Act

and only on written application subscribed and sworn to before the said Clerk upon forms provided therefor by the Division and the said Clerk shall sign said licenses and shall require the persons to whom the licenses and tags are issued to sign his or her name on the margin thereof. Said Clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Division, which record shall remain in his office nad be open to the inspection of the public during all office hours.

§ 18. *Licenses and Fees Furnished to County Clerk by Director.* The Director shall deliver to each County Clerk in the State ten days before the first of January in each year, as many licenses, tags and forms as may be required, and charge said Clerk for the number issued to him. On the fifteenth day of January of each year, and within ten days thereafter, each County Clerk shall return to the Division all unused licenses, stubs of licenses used and unused tags, which he has received for the proceeding year. The licenses and tags herein authorized shall specify the calendar year for which it is issued and shall expire on the thirty-first day of December of said calendar year, except as herein before provided.

§ 19. *Printing of Licenses, Tags, Etc.; Payment for.* The bank licenses, metal tags and other printed matter necessary to carry out the provisions of this Act, shall be printed under the directions of the Director subject to the approval of the Director of Purchases and Public properties, and shall be paid for in a like manner and upon the same terms as other public printing. This expense shall be charged to the Game and Fish fund.

§ 20. *Monthly Statement.* The Director shall make out a monthly itemized account of the expenses of the Game and Fish Division, including the moines due himself, Conservation Officers, office assistants and all persons employed or appointed under this Act and submit the same to the Department of Finance to authorize the Auditor of Public Accounts

to draw his warrant on the State Treasurer for the amount to be paid out of the Game and Fish Fund.

§ 21. *Seizure and Sale of Contraband.* The Director, all Conservation officers, and all other persons so appointed by said Director, Sheriffs and their deputies, Constables and their deputies and peace officers, shall seize and take possession of any and all birds, game fish or animals, or any part thereof, which have been caught, taken, killed or had in possession, or under control or shipped, contrary to any of the provisions of this Act or any other law of this State relating to fish or game. Any Court having jurisdiction may, upon complaint showing probable cause for believing that any bird, fish, game or animal, or any part thereof, caught, taken, killed or had in possession, or under control by any person, or shipped, or transported contrary to any of the provisions of this Act or of any law of this State relating to fish or game, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such bird, fish, game or animal, or any part thereof, and may cause any building, enclosure or car to be entered and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever to be broken, open and the contents thereof examined. All such officers taking or seizing any such birds, animals, game or fish, or any part thereof shall at once report all the facts attending the same to the Director.

The Director is hereby authorized to sell to residents of this State, at the highest market price obtainable therefor, all furs, fish, game, game animals, birds, guns, dogs devices and boats which shall come to their possession as contraband under the order of any Court or Magistrate, or which has been seized under this Act, and declared to be contraband by this Act or any other law of this State relating to fish or game. One half of the net proceeds of sale shall be paid to the officer or other persons appointed by said Director, Sheriff of his

deputy, Constable or his deputy, or peace officer, who seized said article of contraband, and the other half of such proceeds thereof shall be turned into the State Treasury and credited to the Game and Fish fund. A record of such sale, including the name of the purchaser and the price paid, shall be kept by the Director.

§ 22. *Duties of County Attorneys, Commonwealth's Attorneys and Peace Officers; Employment of Attorneys by Director.* The County Attorneys, the Commonwealth's Attorneys, the Sheriffs and their deputies, the Constables and their deputies, and all other peace officers, are hereby required and it is made their duty to enforce the provisions of this Act, and the Director of Game and Fish may employ an Attorney or Attorneys to perform such legal services as said Director may require. Said Attorney or Attorneys shall appear for said Division in all civil actions in which it or any of its officers or employees or appointees or wardens may be interested officially and may assist the County Attorneys or Commonwealth's Attorneys in the prosecution of criminal actions arising under this Act, and when for any reason the County Attorneys or the Commonwealth's Attorneys do not prosecute such criminal actions, such Attorneys employed by said Director shall conduct such prosecution on the part of the State with the same authority as the County Atorneys or the Commonwealth's Attorneys now have. The compensation to be paid said Attorney shall be fixed by the Director and paid out of the fund provided for the enforcement of this Act.

§ 23. *Power and Authority of Director and Employees; Aid of Sheriffs and Other Peace Officers.* The Director of said Division, all members thereof and officers and persons appointed by the said Director shall have full power and authority to serve and execute all warrants and processes of law issued by the Court, enforcing the provisions of this Act, or of any other law of this State relating to the preservation, protection or propagation of game or fish anywhere in the

State of Kentucky in the same manner as any constable or sheriff may execute the same and for the purpose of enforcing the provisions of this Act they may call to their aid any Sheriff, deputy Sheriff, Constable, deputy Constable, peace officer or any other person, and it shall be the duty of all Sheriffs, deputy Sheriffs, Constables, deputy Constables, peace officers and other persons when called upon to enforce and aid in the enforcing of the provisions of this Act.

§ 24. *Bonds of Conservation Officers.* Before entering upon the discharge of their official duties, each Conservation Officer shall give bond in the sum of five hundred ($500.00) dollars, payable to the State of Kentucky, with two or more sureties to be approved by the Director, and filed in the office of the Secretary of State, (condition) that he will truly account for and legally apply all money and property which may come into his hands in his official capacity, and that he will faithfully perform all of the duties enjoined upon him by law.

§ 25. *Disposition of Fines.* Any fine imposed by a Court of competent jurisdiction for a violation of this Act shall be divided ad disposed of as follows: Forty per cent thereof to the County Attorney or Commonwealth's Attorney who is present and prosecutes the case and the remaining sixty per cent, or all thereof, provided no County Attorney or Commonwealth's Attorney actually prosecutes, to the Director to be paid by him to the State Treasurer and deposited in the Game and Fish fund.

Each and every judgment entered in any Court, upon the trial of any violation of the provisions of this Act, shall recite whether or not the County Attorney and/or the Commonwealth's Attorney was present and actively prosecuted said action on behalf of the Commonwealth and unless there is such an entry on the judgment book of the Court showing the presence and participation of such officer or officers in

the trial neither of said officers shall be entitled to any part of any fine.

§ 26. *Costs.* There shall be taxed as costs in each case, where there is a conviction, under this Act, a fee of five ($5.00) dollars to be paid to the arresting officer.

§ 27. *Contraband.* Any wild bird, wild animal or fish taken or possessed contrary to the provisions of this Act and any device used or possessed contrary to the provisions of this Act and hereby declared to be contraband and the arresting officer shall take possession of same and account therefor to the Director.

§ 28. *Permits; Fee for.* The Director is hereby authorized to issue to any qualified person a permit to take wild animals, birds, or fish at any time within this State and to transport same for scientific or educational purposes. And a fee of $1.00 shall be charged therefor to cover administration costs. These permits are to be valid for one year; said period to be shown thereon.

§ 29. *Making Waters Unfit for Support of Marine Life; Penalty.* It shall be unlawful for any person for himself or as agent or employee whether acting in a private or public capacity to place or suffer to be placed in any public waters within this State any substance which causes said waters to be unfit for the support of marine life. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifty dollars nor more than five hundred or be subject to imprisonment for not less than ten days nor more than sixty days or both fine and imprisonment.

§ 30. *Contract for Game Refuge Authorized.* The Director with the advice and consent of the Commissioner of Conservation and subject to the approval of the Commissioner of Finance is hereby authorized to enter into a contract or contracts with any land owner or land owners of the State of

Kentucky for a specified term of years by which contract or contracts the land subject thereto shall be set aside and maintained as a Game Refuge. The Contracts provided for herein shall be and are hereby made recordable instruments in the records of the Clerk of the several County Courts.

TITLE III.

PROPAGATION FARMS

§ 31. *Application and Regulations.* The Director may issue permits to propagate fish, game and fur-bearing animals, and he shall make and publish regulations governing such industry. The application for such a breeder's permit shall be in writing addressed to the Director, shall be signed by the applicant and shall describe the land or waters owned or leased by such breeder to be used for such purpose and shall contain such other facts as may be required by the Director. When it appears that the application is made in good faith, the Director may issue such a permit which shall continue in force for one year, upon the payment of fee of two dollars and fees for tagging which shall be fixed by the Director, which fees shall be paid by him into the State Treasury and credited to the Game and Fish fund.

§ 32. *Same; Rights of Breeder.* A breeder may sell and transport fish, game and fur-bearing animals, at all times, alive for propagation, and for food during such season as the Director may prescribe. Such fish, game and fur-bearing animals shall be identified either by marking the packages or by individual tagging as the Director may prescribe.

§ 33. *Same; Penalty.* A breeder selling game procured from other than such lands, or who violates a provision of this title or a regulation issued under the provisions of the two preceding sections, shall forfeit his license and be fined not more than one hundred dollars, and in addition thereto, shall be punished as provided for such particular violation.

§ 34. *Poaching; Propagation Farms; Injury; Penalty.* A person who, without permission, enters upon the premises of a propagation farm and takes fish, birds or quadrupeds, or upon a pound and takes fish, or fouls the waters of such farm or pond with a substance injurious to the life or growth of fish or breaks or destroys a dam, reservoir or embankment, or diverts the water, or wilfully damages such farm or pond, shall be imprisoned not more than six months or fined not more than one hundred dollars nor less than twenty dollars, and shall also be liable to the owner of such premises for damages in any action of tort, on this statute.

§ 35. *Wildlife Restoration in Cooperation With the Federal Government.* The State of Kentucky, hereby assents to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes", approved Sept. 2, 1937 (Public, No. 415, 75th., Congress), and the Conservation Department is hereby authorized empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the Secretary of Agriculture thereunder; and no funds accruing to the State of Kentucky from license fees paid by hunters shall be diverted for any other purpose than the administation of the Division of Game and Fish of said Department.

§ 36. *Consent to Acquisition By the United States of Migratory Bird Reservations.* Consent of the State of Kentucky is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in Kentucky, as the United States may deem necessary for the establishment of migratory-bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An act to more effectively meet

the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes", reserving, however to the State of Kentucky, full and complete jurisdiction and authority in, and over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said Acts of Congress. This Act shall not be so construed as to deprive the Courts of Kentucky of the right to try and punish those who violate any of the criminal and/or penal statutes of Kentucky in, or over any such areas.

§ 37. *Contracts.* The Division with the approval of the Commissioner of Finance and with the consent of the Governor, may enter into any contract of agreement with the United States Government or any department or bureau thereof, or with any person or persons in regard to the preservation, protection or propagation of fish, game, birds or animals, it may deem to the advantage of the States to enter into.

TITLE IV.

FISH

§ 38. *Taking Fish Contrary to Law; Penalties.* Any person who takes fish from any of the public waters of this State except by angling and except as is otherwise provided herein shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense.

Any person who shall wilfully and knowingly kill or injure, shock or stun, or attempt to kill or injure, shock or stun

any fish by any explosive agent or similar substance, shall be guilty of a felony and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 39. *Substances Poisonus to Marine Life; Penalty.* Any person who shall wilfully and knowingly place, or attempt to place, in any of the public waters of this State any poison, or any substance which has a poisonous effect on marine life, for the purpose of taking fish shall be guilty of a felony; and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 40. *Provisions in Regard to Seines and Nets; Exceptions.* It shall be lawful for any person to take by the use of seines and hoop nets without wings, the mesh thereof to be not less than two inches square, any fish from the streams forming the boundary of any part of the boundary of any part of the boundary between this State and any other State or States, and from the naviagble streams of this State. Provided further that no person shall take or attempt to take any fish by seines or nets or place any seines or nets in any of these streams within two hundred yards of the mouth of any stream entering into such waters nor within two hundred yards of the mouth of any navigable stream within the State nor within two hundred yards of any lock or dam located on such stream or streams nor above the last lock or dam in any navigable stream. It shall also be unlawful for anyone to operate or have in possession any seines or nets pursuant to the provisions of this Act unless such person or perons shall have procured a licene so to do and a metal tag for the use or possession of each net or seine and complied with the provisions hereinafter set out. Provided further that any large or small mouth black bass and crappie if caught in seines or nets shall immediately be returned without injury to the water from which taken. Provided further that no fish shall

be caught or taken under the provisions of this Act during the month of May each year; and provided further that nothing in this Act shall be construed to prevent dealers or manufacturers from having seines or nets in possession for the purpose of sale.

§ 41. *Seining for Minnows.* It shall be lawful for any person to take with seine from the public waters of this State minnows to be used for bait for angling. Said seine shall not be more than ten feet in length, four feet in width or height, with mesh not larger than one quarter inch. Provided, however, any fish caught which are excluded from the definition of minnows herein, such fish shall be without injury, immediately returned to the water from which they are taken. Any person violating this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars and not more than one hundred dollars for each offense.

§ 42. *Unlawful to Take Fish in May.* It shall be unlawful to take fish or attempt to take fish in any manner or by any means in any of the public waters of this State during the month of May each year.

§ 43. *Limitations on Number of Fish to be Taken.* No person shall take or have in his possession more than ten black bass nor more than ten trout nor more than fifteen rock bass or goggle-eye nor more than fifteen crappie in any one day nor take nor have in his possession any black bass under eleven inches in length nor any trout under seven inches in length nor any crappie under eight inches in length; provided, however, that any person having fished two days in succession may have in possession a total not to exceed twenty black bass or trout, thirty rock bass or goggle-eye or thirty crappie.

Title V.

MUSSELL FISHING

§ 44. *Mussell Fishing; License for.* It shall be unlaw-

ful to take, catch, kill mussels for commercial purposes without a license issued by the Director.

§ 45. *Issue of License.* The Director may, upon application, issue a license to take or kill mussels. Upon making application for said license, the residents of this State shall pay to the Game and Fish Division a fee of six dollars and non-residents shall pay to the Game and Fish Division a fee of fifty dollars ($50.00). All licenses shall expire on the 31st day of December following their issue.

The licenses shall be consecutively numbered as issued and records shall be kept thereof in the office of the Fish and Game Division. Such licenses shall state whether it is a resident or non-resident license, and it shall entitle the holder thereof to operate one boat only. An operator desiring to operate more than one boat shall be required to secure a separate license for each boat. The holder of a license while taking, catching or killing mussels for commercial purposes shall have his license with him ready for exhibition, and shall exhibit same when required to do so by an authorized officer.

§ 46. *Restriction upon Operation.* The license provided for herein shall entitle the holder thereof to operate on any shell bed; provided (that) not more than four boats may operate to the mile of shell bed.

§ 47. *Report of Operations; Penalty for Failure.* On or before the 31st day of December of the year in which any license is issued, the holder thereof shall make a written report to the Game and Fish Division for the purpose of stating the total weight of mussels taken, caught or killed under such license, the names and location of the waters from which such mussels were taken and the amount received for shells sold. Upon the failure to make such report the Game and Fish Division shall not issue another license until such report shall be made.

§ 48. *Use of License Fees.* All funds received under the provisions of this Act shall be used by the Game and Fish

Division for the purpose of enforcing the provisions of the Act and for the protection and propagation of the mussel beds, and any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the said Division.

§ 49. *Penalty for Violation; Regulations to Govern Operations.* Any person, firm or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of ($25.00) twenty-five dollars or by imprisonment in the County jail for not less than twenty days or maybe both fined and imprisoned at the discretion of the Court.

The Game and Fish Division shall make such rules and regulations governing the operation of boats in the taking of mussels as it may deem best for the proper enforcement of this Act. In order to prevent the depletion of the mussel beds and to insure proper propagation of the mussels the Game and Fish Division shall have authority to close any beds to operators at any time and for any period that they may deem necessary and during such closed season on any bed or beds it shall be a violation of this Act for any one to take mussels from such beds. When order is issued closing any mussel bed or beds due notice of such order shall be published in at least three consecutive issues of some newspaper published in the county where the bed or beds are located.

§ 50. *Arrests for Violations; Search and Seizure.* For the purpose of carrying into effect the provisions of this Act, the Director and Conservation officers operating under the Game and Fish Division are authorized and empowered without warrant to arrest anyone violating any of the provisions of this Act or any of the rules or regulations for its enforcement that may be made by the Game and Fish Division, to further facilitate the enforcement of this Act, such officers shall have the right to inspect and examine mussels in any warehouse, boats, stores, cars, baskets or other convenient

receptacle when they have good cause to believe that any of the provisions of this Act or the regulations made hereunder have been violated. This authority shall not include the right to enter any dwelling house for purposes of investigation until a Court of competent jurisdiction, upon receiving proof of the probable cause for believing that mussels have been illegally taken, caught, killed, shall have issued a search warrant. When such officers shall find mussels in the possession of any one in violation of this Act such mussels shall be confiscated by such officers and shall be sold and in such sale the Conservation Officer shall proceed in the manner provided by the law for the sale of confiscated fish and game.

Title VI.

BIRDS

§ 51. *Taking Birds, Type of Gun, Penalty for Disobedience.* Any person who takes any wild bird within the boundary of this State, except with a gun, said gun not larger than a ten gauge fired from the shoulder and which if a shot gun has had the magazine thereof, if any, plugged with a solid wooden or metal plug in such a way that the gun will hold not hold more than three cartridges, shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 52. *Hunting Birds with Light; Penalty.* Any person who hunts birds with lights or other means used to blind birds at night shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 53. *Birds not Protected.* Nothing in this Act shall be construed to protect or limit in any way the taking of the Cooper's hawk, sharp-shinned Hawk, the crow, the starling

or the English sparrow, or the great horned owl. However, it shall be unlawful to take other than the above and other than the game birds, for which there is an open season, any wild bird, in the limits of this State. It also shall be unlawful to take the nests or eggs of any wild birds within the limits of this State except as otherwise provided herein; and any violation of this Section shall be a misdemeanor and any person convicted thereof before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred dollars for each offense.

§ 54. *Open Seasons; Penalty for Possessing Birds at Other Times.* Any person who takes or has in his possession in this State any wild birds except during the open season for a particular species, to be as follows:

Quail or Bob White—Nov. 24, to Jany. 9th.
Mourning Doves—Sept. 1st., to Oct. 31st.
Woodcock—Nov. 25th., to Dec. 15th.
Snipe—No Open Season.
Roughed Grouse—No Open Season.
Wild Turkey—No Open Season.
Ring Necked Pheasant—No Open Season.
Hungarian Partridge—No Open Season.

Wild birds subject to the provisions of the "Migratory Bird Treaty Act" other than those specifically provided for herein.

The season shall be the same as is provided by regulations of the Secretary of Agriculture under the "Migratory Bird Treaty Act."

Except that Wild birds legally taken may be possessed for ten days immediately succeeding such open season.

Shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars ($15.00) and not more than one hundred ($100.00) dollars for each offense.

§ 55. *Bag Limits; Penalty.* No person shall take in any

one day more wild birds for which there is an open season provided for any Particular species than the bag limit for the species as set out herein:

Quail	12	
Mourning Doves	15	
Woodcock	4	
Ducks	10	In aggregate of all species
Geese	5	In aggregate of all species

and further provided that no person shall have in his possession during the open season not more than two days bag limit of any particular species and any one violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars ($15.00) and not more than one hundred ($100.00) dollars for each offense.

Title VII.

WILD ANIMALS

§ 56. *Penalty for Taking Wild Animals Except by Trapping, Gun, Gun and Dog or Dog.* Any person who takes wild animals protected by this Act within the boundary of this State, except by trapping, gun, gun and dog, or dog, shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 57. *Open Season; Penalty for Taking or Possession at Other Times.* Any person who takes or has in his possession in this State any wild animal protected by this Act, except during the open season for the particular species provided herein shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than

one hundred ($100.00) dollars for each offense. Said open seasons are as follows:

Mink, Opossum, Raccoon, Red Fox, Skunk and Muskrat, Nov. 1st to Dec. 31st.

Otter and Beaver, No Open Season.

Squirrel, July 1st, to October 1st.

Rabbits, Nov. 24th, to Jan. 9th.

§ 58. *Hunting Raccoon and Red Fox for Sport and not to Kill.* Any person who hunts Raccoon and Red Fox with dogs, at night, for sport and not to kill is specifically excepted from the provisions of Section 57 of this Act, (except that this provision shall not apply to licensed fur dealers and trappers or hunters who may have in their possession at any time, pelts of animals protected by this Act which were caught in open season).

§ 59. *Limitation on Number Taken in One Day and Number in Possessoin; Penalty.* No person shall in any one day take more wild animals protected by this Act of any particular species than the bag limit therefor as herein provided.

Squirrels, 6.

Rabbits, 8.

And provided further that no person shall have in his possession more than two days bag limit of any particular species for which there is such a bag limit established herein. And any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 60. *Hunting Rabbits with Lights; Penalty.* Any person who hunts rabbits with lights or other means used to blind rabbits at night shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 61. *Hunting Elk, Deer, Wild Turkey or Bear Prohibited; Penalty.* No person shall, in this State of Kentucky, hunt, pursue, chase, catch, kill, injure or molest any elk, deer, wild turkey, or bear. Any person violating this Section, shall be fined not less than one hundred ($100.00) dollars or more than three hundred ($300.00) dollars for each offense.

§ 62. *Setting Traps on Land of Another; Provisions Concerning; Penalty.* No person shall within the bounds of this State set any trap on the land of another without having first procured the owner's or lessee's written permission to do so without at the time of setting said trap or attempting the same he has in his possession said written consent and exhibits it to any one lawfully demanding to examine the same. And provided further that any trap set on land of another shall be marked with a metal tag giving the owners name and place of residence. And provided further that any traps set on the lands of another must be visited at least once every thirty-six hours and any animal or bird caught therein removed therefrom. And provided further that any trap set on the land of another shall be set or placed eighteen or more inches within the entrance of a den-hole, tree-den or hollow log so as to be inaccessable to domestic animals, dogs or fowls and any person violating this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

Title VIII.

FUR BUYER'S LICENSES

§ 63. *License.* The furs and skins of fur-bearing animals legally taken, may be bought and sold at any time. When a person wishes to engage in the business of buying such furs and skins he shall first secure a license from the Director, as hereinafter provided.

§ 64. *Same; Fees; Resident; Non-Resident.* The Director annually may issue licenses to residents of this State to engage in the business of buying furs and skins. Each person so licensed shall pay to the Director a fee of two dollars. Each non-resident dealer shall pay to the Director a fee of seventy five dollars; provided, however, that no license shall be issued to a resident of a State or County which does not grant the equal privileges to citizens of this State.

§ 65. *Exceptions.* A person, resident or non-resident, without license may purchase furs or skins of any regular licensed dealer, and nothing in this chapter shall prohibit individuals from shipping their own furs and skins to dealers outside the State.

§ 66. *Time.* Such license shall be effective from date of of issue and shall be in full force until December 31st., of the same year.

§ 67. *Minors.* The provisions as to a fur buyer's license shall not apply to a minor under the age of sixteen years.

§ 68. *Penalty.* A person who buys furs and skins without a license shall be fined not more than one hundred dollars not less than twenty-five dollars for each offense.

§ 69. *General Provisions Regarding Fines.* Any person having been found guilty of violating any Section or any part of any Section of this Act, and fined therefor shall on failure to pay such fine and Court costs, be confined in the county jail or workhouse, or placed at labor on any of the public works of the County in which he is convicted and fined, for a length of time not exceeding one day for every dollar of said fine and Court costs.

Any person volating any provisions of this Act, shall upon conviction thereof, be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars, unless, a different fine or penalty is otherwise provided.

§ 70. *Possession Prima Facie Evidence of Guilt.* The having in possession of any of the wild animals or fur bearers

contrary to the provisions of this Act, shall be prima facie evidence of guilt under this Act; provided further that nothing in this Section shall be construed to prohibit the having in possession of any raccoon, opossum, skunk, muskrat, or mink, or fur thereof, taken or killed in the open season for same between January 1st., and the 15th., day of February, both dates inclusive.

§ 71. *Separate Offenses.* Each bird, fish or animal taken, possessed, bought or sold or transported or each device used or possessed contrary to the provisions of this Act shall constitute a separate offense.

§ 72. *Duty of Judges in Circuit Courts.* It shall be the duty of the Judge in all Circuit Courts of the respective Counties of the State to give this Act, specially in charge in each Grand Jury in said Court, and it shall also be the duty of all Judges holding Courts of inquiry to give this and all other Acts for the protection of Game and Fish, especially in charge to each Jury of Circuit Courts.

§ 73. *Saving and Repealing Clause.* It is hereby provided that all provisions of this Act relating to licenses shall not be effective until January 1, 1939. It is further provided that no provision of this Act shall have the effect of repealing, any provision of the Governmental Reorganization Act of 1936. Sections 1893b-1 to 1905-7 inclusive, Sections 1938a-1 to 1954-21 inclusive, Sections 1954c-1 to 1954c-69 inclusive, Carroll's Kentucky Statutes, Baldwins 1936 revision, be, and the same are hereby repealed.

Mr. McConnell offered the following amendments to said bill, viz:

1. Amend H. B. 379 on page 2, section L, line 25 by striking out the word "or" after the word "transported" and before the word "each" and inserting in lieu thereof the word "and"

2. Amend H. B. 379 on page 3, section 3, line 14 by adding the following after the word "act" "or in any manner

to repeal any of the provisions of the Governmental Reorganization Act of 1936."

3. Amend H. B. 379 on page 4, section 8, line 1 by striking out the word "Board" after the word "and" and before the word "of" and inserting the word "Bond".

4. Amend H. B. 379 on page 7, sec. 14, lines 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 by striking out all of lines, 11 to 20 inclusive and inserting in lieu thereof the following

"No person for himself or as agent or employee, shall transport any wild birds, wild animals or fish, protected by this Act, except a person may transport with him as part of his personal baggage wild birds, wild animals, or fish legally in possession, and except the furs and skins of fur bearing animals may be transported at any time without being accompanied by the owner thereof. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars for each offense.

5. Amend H. B. 379 on page 9, section 18, line 1 by striking out after the word "and" and before the word "furnished" the word "fees" and inserting in lieu thereof the word "forms"

6. Amend H. B. 379 on page 11, section 21, line 23 by inserting after the word "therefor" and before the word "all" the following words: "with the approval of the Governor and the Director of Purchases and Public Properties".

7. Amend H. B. 379 on page 12, sec. 22, line 18 by inserting after the word "the" and before the word "fund" the words "Game and Fish"

Said amendments were each and severally agreed to.

Mr. Cleveland offered the following amendment to said bill, viz:

Amend H. B. 379 on page 19, sec. 42 line 3, by inserting

after the word "year" the following words: "except that this shall not prohibit fishing with pole and line in any running waters of this state that are not so blocked by dams as to render them non-navigable."

Said amendment was agreed to.

Mr. Waterfield offered the following amendment to said bill, viz:

Amend H. B. 379 on page 24, Sec. 57, line 12 after the word "squirrel" strike out words "July 1st" and in lieu thereof add the following "June 1st"

Said amendment was disagreed to.

Mr. Rollo moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Rell Bevins	Leonard Carson
William T. Baker	C. P. Bradbury	George S. Clay

H. S. Cleveland	William K. King	E. F. Prichard
T. Fowler Combs	Clyde D. Lester	Grover C. Ransom
Herbert Cook	Carl Lyttle	Hobart Rayburn
G. Cunningham	John Marshall	Thomas Rigdon
Norman A. Curtis	D. T. Matlack	E. S. Robey
William J. Curtis	Peter P. Mattingly	John C. Robinson
Willard Q. Daniel	C. C. May	William T. Rollo
F. E. Daugherty	T. B. McConnell	Carl Scheben
L. M. Davisworth	Elmer McGlothen	Leon J. Shaikun
Sam Dever	J. H. McKinney	W. S. Shanklin
Forest C. Easley	John B. Mollette	Parker Sims
Garland Embry	William E. Mull	Wm. St. C. Stuart
A. H. Eversole	Tyler F. Munford	A. Frank Tabb
Raymond Eyl	Rodes K. Myers	W. R. Tapp
C. A. Hale	Alfred A. Naff	Gabe B. Taylor
S. T. Hamilton	Homer Neikirk	Henry Ward
C. L. Hammons	Luster C. Oxley	R. E. West
Ira W. Hulette	Mel Petry	J. M. Williams
W. H. Hunt	Henry Plum	James W. Young
Ben W. Johnson	Kleber F. Price	—65

Those who voted in the negative were—

J. Everett Bach	John C. Cornett	H. L. Waterfield
B. F. Bedford	Clarence Rush	J. D. White
C. C. Byrne	Carl M. Taylor	W. G. Williams
J. F. Carr	Joe L. Wall	Terrill A. Wilson
		—12

Resolved that the title thereof be as aforesaid.

Mr. McConnell moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body, entitled:

S. Res. 33. A Resolution, authorizing Hiram Brock to file suit against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, in the year 1932 and 1933 the State Highway Commission, its agents and servants constructed a state highway, part of the primary road system of Harlan County leading up Catron's Creek to Yancey and Liggett; and

WHEREAS, the salable value thereof has been decreased:

Therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Hiram Brock be and he is hereby authorized and permitted to bring suit in the Harlan Circuit Court for such damage as he may have suffered, not to exceed the sum of $5000.00, if any by reason of the negligent construction of said highway and the wrongful filling up of the part of the said creek and obstructing the natural flow of the water therein, by the said then State Highway Commission, its agents and employees, and in the event any judgment is recovered by the said Hiram Brock in said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky out of the General Fund on warrant from the Auditor.

The said Hiram Brock and the said Commission and the Commonwealth of Kentucky shall have the right to appeal, and said case shall be tried in the manner and form provided by the Statutes and Codes of the Commonwealth of Kentucky.

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS by means of the operations of the State Highway Commission and its employees in a quarry known as the Willie Luttrell Quarry, located near Brownsville, Ken-

tucky, opposite the dwelling of George Luttrell and Nora Luttrell, his wife, said dwelling has allegedly been damaged and other property of George Luttrell and Nora Luttrell has allegedly been damaged,

NOW, in order that they may determine their rights by judicial action and the responsibility of the Commonwealth of Kentucky and the State Highway Commission, or either for such damages may be determined by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Luttrell and Nora Luttrell, his wife, of Brownsville, Kentucky, be and hereby are empowered and authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for damages, if any, arising from the above stated facts; and in the event any judgment is received by said George Luttrell and Nora Luttrell, or either of them, or the case is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund of the Commonwealth, by warrant properly drawn on the State Treasurer.

§ 2. Said action may be brought in any county having jurisdiction of the parties and subject matter.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

§ 4. The limit of recovery by George Luttrell and Nora Luttrell, under authority of this resolution, shall be two hundred Seventy-five dollars ($275.00).

S. Res. 48. Resolution authorizing Robert Jameson, of

Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

WHEREAS, pursuant to the terms of a lease between Robert and Thomas Jameson, parties of the first part, and the Armory Commission of the Commonwealth of Kentucky, party of the second part, covering a frame building located on Lumber Street, Beattyville, Kentucky, said lease was terminated December 29, 1931 by giving sixty days notice; and,

WHEREAS, it is alleged that said Armory Commission continued to occupy said premises until April 1, 1932, and it is alleged that rentals were never paid for the last three months of such occupancy and that said rentals, in the sum of three hundred dollars ($300.00), are still due and unpaid.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Jameson, of Beattyville, Kentucky, for himself, and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either, for such rentals on said building as are due and unpaid; and in event any judgment is recovered by Robert Jameson for himself or the administrators of the estate of Thomas Jameson, or said claim is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants for same drawn on the State Treasurer.

§ 2. Said action may be brought in any Circuit Court of

the Commonwealth of Kentucky which has jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

§ 4. The limit of recovery in any action instituted under this resolution shall be three hundred dollars ($300.00).

S. Res. 35. A Resolution authorizing Dora Delph to file and prosecute suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, there is a public highway running out of the City of Harlan, Harlan County, Kentucky, and up Clover Fork of the Cumberland River in said County and State; and,

WHEREAS, the said public highway was built and constructed by the State Highway Commission of Kentucky, and, at all the times herein mentioned was and now is a public highway forming a part of the State Highway System of the State of Kentucky, and maintained and kept in repair by the said State Highway Commission of Kentucky; and,

WHEREAS, in constructing, maintaining, and repairing the said highway the said State Highway Commission of Kentucky placed or put a culvert across the right-of-way of said highway and under the said road or public highway; and,

WHEREAS, the said Dora Delph was, at all of said times, and now is the owner of and in the possess of the following described tract of land, to-wit:

TRACT NO. 1. BEGINNING at the north east corner of Lot deeded to Robert Howard by J. K. Howard and Wife,

on the south side of the County Road at a stone marked with a cross; thence with said lot line Southwardly to the river Clover Fork; thence up said Clover Fork 77 feet to a stone marked with a cross; thence northwardly with a line which is parallel with the east line of Robert Howard's lot and 77 feet from same to a stone in the south edge of Clover Fork Pike road now leading up Clover Fork; thence westwardly 77 feet with the south edge of said County Pike to the beginning.

TRACT NO. 2. A certain boundary of land lying on the north side of Clover Fork of Cumberland River and bounded as follows: Beginning on G. E. Sanders' lot at a rock; thence eastwardly with said line 53 feet to an Alanthis marked with three hacks; thence northwardly a straight line to the edge of the pike road; thence westwardly to the said road to the G. E. Sanders line 53 feet; thence with said line southwardly to the beginning, and,

WHEREAS, the said two tracts of land are adjacent to and borders on the said Public Highway, and is situated on the lower side of said Highway and between it and the said Clover Fork of Cumberland River; and,

WHEREAS, there are buildings and improvements upon said land, which have at all times mentioned herein have been and now is being used as a dwelling and the appurtenances thereto; and,

WHEREAS, in constructing, maintaining and repairing said Highway, the State Highway Commission of Kentucky has changed, altered, and diverted the natural course and flow of the water above said Highway and turned it through and caused it to flow through said culvert onto and over the said land described above and belonging to the said Dora Delph, thereby covering, overflowing, washing and greatly damaging said land and the buildings thereon; and,

WHEREAS, the damages to the said land, buildings and improvements caused thereby, amounts to the sum of at least $1,500.00; and,

WHEREAS, no compensation whatever has ever been received by, or paid to, the said Dora Delph, or anyone for her use or benefit, by the said State Highway Commission of Kentucky or the Commonwealth of Kentucky, or anyone whatsoever for the said damages to her land, buildings, and improvements:

NOW, in order to determine by judicial action the question of liability for said damages as aforesaid,

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Dora Delph, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate action or actions against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them, for the purpose of determining the responsibility of the said Commonwealth of Kentucky or the said State Highway Commission of Kentucky, or both or either of them, for said damages to said land, if any there be.

Such action or actions may be brought within five years from the passage of this resolution and in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of such matters as provided by the code and laws of the State of Kentucky in such cases, and may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Dora Delph for injuries and damages to said land shall be for any sum not exceeding $1,500.00, and in the event any judgment is recovered by the said Dora Delph for injuries and damages to said land, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Funds.

Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil action, and the case may be settled and adjusted by and with

the consent and approval of the Attorney General of the State of Kentucky in the same way and manner as any other civil action may be settled or adjusted.

S. Res. 19. A Resolution authorizing Lavina Pope to fiule suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either, or both of them.

Said resolution is as follows, viz:

WHEREAS, during the years 1931-1932, and 1933, the State Highway Commission of Kentucky built and constructed a public highway in Harlan County, State of Kentucky, from the city of Harlan in said County and State up and along Martin's Fork of the Cumberland River to the Kentucky-Virginia state line; and,

WHEREAS, the said Lavina Pope during all of the said years was, had been for some time prior thereto, has been at all times since, and now is the owner of the following described land and real estate, to-wit:

Beginning at an elm on the north line of the Louisville and Nashville Railroad Company's right of way up Martin's Fork and on the south side of said Martin's Fork; thence eastwardly with the North line of said right of way to Bob's creek; thence northwardly down with Bob's Creek to Martin's Fork; thence down Martin's Fork river to the beginning.

WHEREAS, there was at all of said times and now is, situated on said land, two eight-room dwelling houses, and two three-room dwelling houses; and,

WHEREAS, the said tract of land borders on the said Martin's Fork of the Cumberland River on one side; and,

WHEREAS, the said state highway was constructed up and along the said Martin's Fork on the bank of same opposite to the land of Lavina Pope above described; and,

WHEREAS, in constructing the same highway, the said State Highway Commission of Kentucky dynamited and re-

moved large amounts of dirt, trees, rocks, ground and debris from the right of way of said road, and placed, dumped, and dynamited all, or a large part of, said dirt, rocks, trees, ground and debris on the bank of and into the bed and channel of said Martin's Fork river, thereby forminng an obstruction and in said Martin's Fork river and causing the waters of same adjacent to and above said land to dam and accumulate and overflow the said land and changing and diverting the said Martin's Fork river from its usual, customary and natural course and channel over and upon said land and real estate of Lavina Pope and causing same to flow over, upon, and through said land, and thus damaging, ruining, and destroying said tract of land and the dwellings situated thereon; and,

WHEREAS, the damages to said land and buildings amounts to the sum of at least $10,000; and,

WHEREAS, no compensation whatever has ever been received by, or, paid to, the said Lavina Pope, or to anyone for her use or benefit, by the said State Highway Commission, or the Commonwealth of Kentucky, or anyone whatsoever for the said damage to her land and real estate:

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lavina Pope, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate action or actions against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either of both of same, for the purpose of determining the responsibility of the said Commonwealth of Kentucky or the Said State Highway Commission of Kentucky, or both or either of them, for said damages to said land, of any there be.

Such action or actions may be brought within five years from the passage of this resolution and in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of such matters as provided by the code and laws of the

State of Kentucky in such cases, and may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Lavina Pope for injuries and damages to said land shall be for any sum not exceeding $10,000, and in the event any judgment is recovered by the said Lavina Pope for injuries and damages to said land, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Fund.

Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil action, and the case may be settled and adjusted by and with the consent and approval of the Attorney-General of the State of Kentucky in the same way and manner as any other civil action may be settled or adjusted.

S. Res. 34. A Resolution authorizing Sanford England to file suit against Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, On October 16, 1937, one, Sanford England, was seriously and permanently injured while walking across the public bridge across the Cumberland River at Molus, Harlan County, Kentucky, by a loose board or boards which gave way when he stepped on same; and,

WHEREAS, said bridge forms a part of the public highway of Harlan County, Commonwealth of Kentucky; and same is maintained and kept in repair by the said Harlan County, Commonwealth of Kentucky, and its employees:

NOW, in order to determine, by action of the judiciary, the question of negligence causing said injuries as aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Sanford England, in his own right and name, be

and he is hereby permitted and authorized to file and prosecute appropriate action or actions against Harlan County, Kentucky, or the Commonwealth of Kentucky, or either or both of them, for the purpose of determining the liability of Harlan County, Kentucky, or the Commonwealth of Kentucky, or either or both of them, for such injuries, if any there be.

Such action or actions may be brought at any time within two years from the time this resolution is passed, and in any circuit court of the Commonwealth of Kentucky which under the laws of Kentucky may have jurisdiction of such matters, or may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Sanford England for personal injuries by him shall be for any amount not exceeding the sum of $5,000 and in the event any judgment is recovered by said Sanford England for personal injuries received by him or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Fund, or by the Treasurer of Harlan County by warrants drawn on the General Fund of said county and paid out of said funds.

Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky or with the consent and approval of the County Attorney of Harlan County in the same way and manner as any other civil case may be settled or adjusted.

S. Res. 21. A Resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 24th day of November, 1934, the Jefferson County Fiscal Court and/or Jefferson County, Ken-

tucky, was engaged in Jeffrson County, Kentucky, in transporting certain County employees in a 1933 Chevrolet truck, license number T 5216 (1934) on the Shelbyville Road, two miles east of Middletown, Kentucky, at English Station; and

WHEREAS, it is alleged that the truck, driven by one Ed Fey, a Jefferson County employee, was negligently operated on said road; and

WHEREAS, Ethel Carr, a passenger in an automobile driven by her brother, Virgil Goff, was injured severely and critically, when said truck owned by the Jefferson County Fiscal Court and/or Jefferson County collided with the automobile in which she was riding;

NOW in order to determine by judicial action the question of negligence causing said injuries aforesaid;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ethel Carr in her own right and name be and she is hereby authorized to file and prosecute and appeal an appropriate action against the Jefferson County Fiscal Court and/or Jefferson County for the purpose of determining the liability of the Jefferson County Fiscal Court and/or Jefferson County and such injuries, if any there be.

§ 2. Such action may be brought in any Circuit Court of the Commonwealth of Kentucky which may have jurisdiction of the subject matter or may be joined with any action or actions pending, wherein Circuit Courts have competent jurisdiction of the subject matter and parties.

S. Res. 10. Resolution authorizing Eva Jane Pennington, by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the nineteenth day of September, 1936,

an automobile in which Eva Jane Pennington was a passenger struck a sag or hole in the paved portion of State Highway No. 23 between Greenup and Fullerton, Kentucky, and was precipitated over an embankment, thereby inflicting permanent, and perhaps fatal, injuries on said Eva Jane Pennington; and,

WHEREAS, at the time of the accident said highway was under the supervision, maintenance, and control of the Commonwealth of Kentucky and the Department of Highways of Kentucky, and it is alleged that said Department of High- of Highways of Kentucky had, or by the exercise of ordinary care could have had, notice of the dangerous condition of said highway; and,

WHEREAS, it is alleged that the negligence of said Commonwealth and its Department of Highways, and its employees, in failing to repair said sag or hole, and in failing to give warning of the dangerous condition of said highway to drivers of motor vehicles thereon, was the direct and proximate cause of the injuries to said Eva Jane Pennington; and,

WHEREAS, her parents are in humble circumstances, and her father makes his living by daily labor; and whereas, on account of the nature of her injuries, it is necessary for said child to receive hospital care for the remainder of her life, and, on account of their indigent circumstances, said child's relatives are unable to defray the expenses incident thereto,

NOW, in order that the rights of the parties may be determined by judicial action, and the question of negligence, if any, causing said injury to said Eva Jane Pennington may be determined by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Eva Jane Pennington, an infant, of Westwood Station, Boyd County, Kentucky, be, and she hereby is, authorized, empowered and permitted, by her guardian or

next friend, or, in the event of her death, her personal representative be, and he hereby is, authorized, empowered and permitted to file a suit or suits against the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them, for the purpose of determining the liability of the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, for such injuries and damages, if any there be, arising from the above stated facts; and, in the event any judgment is recovered by said Eva Jane Pennington's guardian or next friend, or by her personal representative, or either of them, or said judgments or suits are compromised and settled, the judgments or amounts agreed on in compromise, if any, shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Said action or actions may be brought in any county having jurisdiction of the parties and subject matter.

§ 3. Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil suit, and the case may bet settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same as way as any other civil case.

S. Res. 8. JOINT RESOLUTION authorizing Emma J. Young to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS the Fayette County Tax Commissioner made a clerical error in transferring a $1,400.00 valuation of a note of said Emma J. Young, writing the valuation as $14,000.00 thereby causing the tax bill upon the said property to be made out at the sum of $70.00 rather than the proper amount of $7.00.

WHEREAS the said Young was absent from the State and not knowing of said error and erroneous assessment by

her agent, paid the 1933 tax bill, which was paid on or about February 1, 1934, to prevent said taxes from becoming delinquent on the 28th day of February, 1934.

WHEREAS said Young has no recourse for the correction of the error by the county authorities as she paid the tax voluntarily and without protest, and the time has expired in which said error can be corrected by officials and the Commonwealth retains Sixty-three ($63.00) Dollars not due it by said Emma J. Young.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Emma J. Young be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky in any court of Fayette County, Kentucky, for the recovery of the excess tax in the amount of $63.00 erroneously assessed through the clerical error of the Fayette County officials. In the event of judgment for said Young, the amount of the judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of general funds. Either party to said suit may appeal from any judgment as in any other civil case. The recovery herein shall be limited to and not exceed Sixty-three ($63.00) Dollars.

S. B. 201. An Act amending and re-enacting Section 4308-3, Carroll's Kentucky Statutes, 1936 edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4308-3, Carroll's Kentucky Statutes, 1936 edition, being Section 3 of Chapter 5 of the Acts of the Gen-

eral Assembly of 1936, be amended and re-enacted so as to read as follows:

The funds apportioned the several counties by Section two (2) of this Act shall be used for the purposes provided herein by the State Highway Commission in accordance with previously agreed to and accepted plans prepared jointly by the Fiscal Courts of the several counties and the State Highway Commission, or prepared by one or the other and jointly approved. Said plans shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which said funds shall be expended by the State Highway Commission for the fiscal year to which the agreement applies. Said plan for each county shall be formulated and agreed to as soon as practicable after the effective date of this Act, for the then current fiscal year and annually thereafter. If at the end of thirty days after the beginning of a fiscal year of the State Highway Commission, the State Highway Commission and the fiscal court of any county have failed to agree on a plan, or the fiscal court of a county has refused to submit a plan, the State Highway Commission shall have authority to expend the money apportioned that county on the county roads and bridges thereof in such a manner as the State Highway Commission shall determine. Due to the fact that the fiscal year of the Highway Department starts April 1, an emergency is declared to exist, and this act shall become effective upon its passage and approval by the Governor.

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either.

Said resolution is as follows, viz.:

WHEREAS, the State Highway Commission of Kentucky during the years of 1934 and 1935 constructed a retaining

walls on a public highway on Project No. 23 in Lawrence County, Kentucky, and

WHEREAS, the grade and drain of said road was constructed by contract and thereafter there came a slide in said road and the slide proceeded over the lands of Mary Jane Hayes and Tom Hayes and into Big Blaine Creek in Lawrence County, Kentucky, and the State Highway Commission in repairing said slide did not remove any of it nor did not build the retaining wall upon the right-of-way of said highway, and

WHEREAS, the said slip runs over and into the lands of Mary Jane Hayes and Tom Hayes on Big Blaine Creek, near the village of Yatesville, in Lawrence County, Kentucky, and that said road has been maintained prior to and since said slide by the State Highway Commission of Kentucky, through its agents, employees, and not having sufficient right of way they built said retaining walls upon the lands of the said Mary Jane Hayes and Tom Hayes and threw the debris, rocks and other substances into the slide and caused the same to slide down the hill and into Blaine Creek and to stop up the channel of the creek in such a way that it is cutting and destroying the land of the said Mary Jane Hayes and Tom Hayes thereby damaging the value of said land for cultivation and farming purposes, causing a large portion of the said farm to be unfit for cultivation, and

WHEREAS, the said Mary Jane Hayes and Tom Hayes allege and claim that their lands have been greatly injured and damaged by the negligence and the careless construction and maintenance of said road and that said damage and injuries to their lands were caused entirely by the negligence and carelessness of said State Highway Commission of Kentucky, its agents and employees, in not carrying away said slide and permitting the same to fill up the bed of the creek, and in constructing its retaining wall on the lands of Mary Jane Hayes and Tom Hayes.

NOW, THEREFORE, to determine by judicial action the

liability of the State Highway Commission of Kentucky and the Commonwealth of Kentucky for the alleged damage and injary aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mary Jane Hayes and Tom Hayes, of near Yatesville, Lawrence County, Kentucky, be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either, in the Lawrence Circuit Court for such damage as they may have sustained, if any, by reason of any injury or damage to their lands, caused by the negligence or carelessness of the State Highway Commission of Kentucky, its agents or employees, and in the event a judgment is obtained by the said Mary Jane Hayes and Tom Hayes in said suit for damage to their lands, same shall be paid by the Auditor of Public Accounts by warrant on the Treasurer, and paid out of the general fund: Provided, however, that the said amount of recovery by the said Mary Jane Hayes and Tom Hayes in said suit shall not exceed two thousand eight hundred dollars ($2,800.00).

Either party to said suit may appeal from any judgment which may be rendered in the Lawrence Circuit Court to the Court of Appeals, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

S. Res. 31. Resolution authorizing A. L. Schooler to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

WHEREAS, on February 22, 1937, A. L. Schooler, while riding on a State maintained Highway in Shelby County, Kentucky, Kentucky, received injuries by reason of the negligence of the driver of a truck being operated by employees

of the State in the State's business, causing injuries to the head and body of the said A. L. Schooler and destroying his truck, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said A. L. Schooler be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Shelby Circuit Court for such damages as he may have suffered to his personal property by reason of such negligence of the employees of the State, if any, under the same measure of recovery as in other civil actions. In the event any judgment is recovered by the said Schooler in said suit, same shall be paid by the Treasurer of the Commonwealth on Warrant from the Auditor.

The Attorney General of the Commonwealth of Kentucky is authorized and empowered, in the event he thinks the Commonwealth properly liable therefor, to compromise and adjust the said suit, in which event the said amount shall be paid as above provided.

S. Res. 49. A resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

Said resolution is as follows, viz.:

WHEREAS, on or about the 18th day of September, 1935, the State Highway Commission of Kentucky entered into a written contract with J. B. Westerfield, whereby the said J. B. Westerfield in consideration of the payments therein provided agreed to furnish all labor, materials and supplies and perform all work for the grade and drain of a certain road project in Warren County, Kentucky, designated as Warren

County S. P. No. 423-AG, the Rockfield-Richpond Road, a distance of approximately 3.688 miles, at the estimated contract price of $11,953.47; and,

WHEREAS, said contract and the required bond were duly and regularly made and entered into; and,

WHEREAS, before the completion of the work provided by said contract to be performed, the Commonwealth of Kentucky, acting by and through the State Highway Commission, of Kentucky, entered into a supplemental agreement in writing whereby the said J. B. Westerfield agreed to furnish all the labor, materials and supplies and do all of the work required for the grading and draining of an extension of said road project a distance of approximately 0.967 miles, at the same unit prices as provided in the original contract, which additional work was estimated to cost $2382.10; and,

WHEREAS, said State Highway Commission of Kentucky, by order entered on its Minutes of November 12, 1935, authorized the Chairman of said Commission to sign and enter into said supplemental agreement; and,

WHEREAS, the said J. B. Westerfield fully and completely performed all of the terms, covenants and conditions of said supplemental agreement on his part to be performed in full and strict conformity with the terms of said contract and the plans and specifications relating thereto; and,

WHEREAS, said J. B. Westerfield furnished all of the necessary labor, materials and supplies and performed all of the work provided to be performed by him in the original and supplemental contracts to the full and complete satisfaction of the Highway Commission and the engineers of said Commission; and,

WHEREAS, said highway and the work done by the said J. B. Westerfield under the terms of the original and supplemental contracts was officially accepted by the State Highway

Commission for maintenance on or about February 11, 1936; and,

WHEREAS, the Commonwealth of Kentucky has accepted and used and is now using and maintaining said highway and has received the full benefit of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield; and,

WHEREAS, according to the terms and provisions of said supplemental contract the Commonwealth of Kentucky agreed to pay said J. B. Westerfield for the labor, materials, supplies and work furnished and done by him the sum of $2433.12, which according to the terms of said supplemental contract was due and payable February 1, 1936; and,

WHEREAS, said claim has not been paid because of some question having been raised as to whether or not said supplemental contract was valid because of not having been awarded and entered into pursuant to advertisement for bids on the work expressly provided for and covered in the supplemental contract; and,

WHEREAS, the Commonwealth of Kentucky has received full value therefor and the claim of said J. B. Westerfield is just;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky; that

§ 1. The consent of the General Assembly of the Commonwealth of Kentucky hereby is given to said J. B. Westerfield to sue the Department of Highways and the Commonwealth of Kentucky, or either of them, in the Franklin Circuit Court, to recover the amount due him under the terms of said supplemental contract; namely, $2433.12, with interest thereon at the rate of 6% per annum from February 1, 1936, until paid.

The Department of Highways, with the approval of the Attorney General, hereby is authorized to compromise or pay said claim either before or after the filing of suit, the pay-

ment, if any, to be made out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 2. Said supplemental contract between the Commonwealth of Kentucky, acting by and through its agent the State Highway Commission of Kentucky, and the said J. B. Westerfield, dated November 19, 1935, hereby is validated, ratified, confirmed and approved; and all of the acts of the State Highway Commission and the Chairman of the State Highway Commission in executing said contract and in the acceptance of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield pursuant to the terms of said supplemental agreement, hereby are validated, ratified, confirmed and approved.

§ 3. If judgment be obtained by the said J. B. Westerfield, or if his claim be approved for payment by the Department of Highways and the Attorney General of Kentucky, said judgment or said claim shall be paid out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 4. If suit be filed and judgment entered in the Franklin Circuit Court, either party may appeal to the Court of Appeals as in any other civil case.

§ 5. Whereas said J. B. Westerfield is engaged principally in the construction of highways in Kentucky under contracts with the Department of Highways; and, whereas he is a man of very limited means and is badly in need of the money earned by him under the supplemental contract aforesaid; and, whereas the Commonwealth of Kentucky has had the benefits of the labor, materials and supplies furnished and work done by the said J. B. Westerfield under the terms of said supplemental contract for approximately one year; and, whereas justice and fairness require that said claim be promptly paid to the said J. B. Westerfield; an emergency hereby is declared to exist and this resolution shall be effec-

tive immediately upon its passage and approval by the Governor.

Ordered that said resolutions and bill be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz.:

H. B. 426. An Act providing for the making of direct reduction loans by building and loan associations, incorporated under the laws of Kentucky, defining the rights and obligations of the borrower, and providing for the method of re-payment of the loans.

S. B. 11. An Act requiring the operators of all vehicles to stop before passing a school bus upon a public highway which shall be stopped for the purpose of receiving or discharging passengers, and providing penalty for violation.

S. B. 18. An Act relating to roads and highways, providing methods of paying for land to be used for rights-of-way.

S. B. 20. An Act establishing as part of the primary system of state highways a road known as the Saben's Mill Road in Barren County.

S. B. 23. An Act establishing as part of the primary system of state highways a road known as the Marcums Mill Road in Metcalfe County.

S. B. 37. An Act to amend section one hundred of the constitution of the Commonwealth of Kentucky so as to permit women to hold public offices.

S. B. 47. An Act to amend and re-enact Section 514 of

the Civil Code of Practice, relating to the reversal of judgments by the Court of Appeals.

S. B. 52. An Act amending and re-enacting Section 1649b-3 of Carroll's Kentucky Statutes, Baldwin's Revision, relating to the inadmissibility of confessions obtained by sweating.

S. B. 53. An Act to repeal Section 574 of the Code of Practice in civil cases, Carroll's Civil Code of Practice, Baldwin's 1932 Edition, relating to taking depositions upon interrogatories.

S. B. 54. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

S. B. 56. An Act to repeal and re-enact Section 2043-12, Carroll's Kentucky Statutes, 1930 Edition, Supplement 1933, the same being Section 12, of Chapter 68 of the Acts of 1930, repealed, amended, and re-enacted by Chapter 54 of the Acts of 1936 and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended;"

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate, etc.

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency, by the board of directors with the consent of the Director of the Division of Banking, providing for the publication of notice of such transfer;

S. B. 60. An Act relating to the compensation of trustees and fiduciaries, by adding after Section 4711 Kentucky

Statutes, Carroll's Edition 1930, as amended, a new provision relating to such compensation.

S. B. 71. An Act to amend Section 965-24, Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the Twenty-Fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefor, relating to Circuit Courts.

S. B. 79. An Act to amend and re-enact Section 610 of Carroll's Kentucky Statutes, 1936 Edition, relating to the indebtedness or obligation of a person, company or firm to a trust company;

S. B. 80. An Act to amend and re-enact Section 583 of Carroll's Kentucky Statutes, 1936 Edition, relating to the indebtedness or obligation of a person, company or firm to a bank, the highest amount permitted, certain bills of exchange not included.

S. B. 81. An Act to repeal, amend and re-enact Sections 165a-15 and 586 of Carroll's Kentucky Statutes, 1936 Edition, relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking, reduction of capital and how impairment shall be made good.

S. B. 82. An Act pertaining to banking, and to amend and re-enact Section 595, Carroll's Kentucky Statutes, 1930 Edition, as amended by Chapter 1 of the Acts of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of 1933, and as amended by Chapter 12 of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of 1936, as as to provide to the holders of non-assessable preferred capital stock issued by a bank or trust company or combined bank and trust company exemption from assessment to restore impairment of capital and rights with respect to dividends, etc.

S. B. 83. An Act providing that banks incorporated under the laws of any other state shall not do any business in this Commonwealth, except to lend money;

S. B. 95. An Act amending and re-enacting Section 2242 of Carroll's Kentucky Statutes, 1936 Revision, relating to the compensation of Jury Commissioners.

S. B. 102. An Act to repeal, amend and re-enact Sections 165a-12, 593 and 594 of Carroll's Kentucky Statutes, 1936 Edition, relating to the publication of statement of financial condition of bank, who shall sign statement, and penalty for failure to make or publish report.

S. B. 103. An Act to repeal and re-enace, as amended, Section 165a-20 Kentucky Statutes, Carroll's Edition 1936, relating to the powers of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, etc.

S. B. 104. An Act to fix the minimum amount of capital of any bank, trust company, combined bank and trust company, and trust, banking and title insurance companies, hereafter organized under the laws of this State, and to clarify any statutory inconsistencies relating thereto;

S. B. 118. An Act amending Chapter 42 of the Acts of the General Assembly of 1936, being Section 4399-3, Carroll's Kentucky Statute, 1936 Edition, relating to independent school districts.

S. B. 119. An Act to amend an Act, entitled an Act to amend an Act, in relation to the Kentucky State Board of Dental Examiners, which Act became effective June 5, 1932, and being Section 2636 with its 23 subsections of Carroll's Kentucky Statutes, and to regulate the practice of dentistry in the State of Kentucky.

S. B. 150. An Act to provide for an enlarged use of the public records of the Commonwealth of Kentucky by providing for an increased distribution of such records to the Library of Congress.

S. B. 155. An Act fixing the time of holding Court in the Sixth Judicial District composed of Daviess, Hancock and McLean Counties, etc.

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against an insured closed institution, of all depositors, whose deposits have been paid, or for the payment of which funds have been made available;

S. B. 166. An Act providing educational opportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from the General Fund.

S. B. 187. An Act to regulate the caravaning of motor vehicles upon the public highways of this commonwealth;

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the price of said tobacco sold in the Commonwealth of Kentucky, etc.

S. Res. 33. Resolution authorizing Hiram Brock to file suit against the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 48. Resolution authorizing Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to sue the Commonwealth of Kentucky and/or the State Division of Armories.

S. Res. 35. Resolution authorizing Dora Delph to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 19. Resolution authorizing Lavina Pope to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 34. Resolution authorizing Sanford England to sue Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either or both of them.

S. Res. 21. Resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

S. Res. 10. Resolution authorizing Eva Jane Pennington by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and/or the Department of Highways.

S. Res. 38. Resolution authorizing C. C. Law to sue the Commonwealth of Kentucky.

S. Res. 26. Resolution authorizing W. H. Housman to sue the Commonwealth of Kentucky and/or the Department of Highways.

S. Res. 17. Resolution authorizing Henry T. McClure to sue the Commonwealth of Kentucky.

S. Res. 16. Resolution authorizing Weldon (Tex) Wallace to sue the Commonwealth of Kentucky.

S. Res. 8. Joint Resolution authorizing Emma J. Young to sue the Commonwealth of Kentucky.

S. B. 201. An Act amending and re-enacting section 4308-3, Carroll's Kentucky Statutes, 1936 Edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 31. Resolution authorizing A. L. Schooler to sue the Commonwealth of Kentucky.

S. Res. 49. Resolution authorizing J. B. Westerfield to sue the Commonwealth of Kentucky and/or the Department of Highways.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the calendar.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, state employees engaged to keep the State Capitol clean.

Said resolution is as follows, viz.:

WHEREAS, the above named employees have had their work materially increased during the session of the present Assembly of the Commonwealth of Kentucky and have worked overtime to keep the State Capitol clean for said session, and declaring an emergency to exist,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk and John Tackett be each allowed the sum of one dollar per day for each day of the present session of this General Assembly, which allowance shall be in addition to what they now receive for their services as above set out.

The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant on the State Treasurer for the above set out compensation of one dollar per day for each day of the present session of this General Assembly, in favor of the above named state employees.

Whereas, the General Assembly will within a short time adjourn and said employees are in need of the money provided for in this act and it is the desire of the General Assembly that they be paid immediately upon the passage of this act and its approval by the Governor, an emergency is hereby declared to exist.

Mr. Wagner offered the following amendments to said resolution, viz.:

1. Amend H. Res. 80 on page 1, line 3, by striking out the following words "One dollar per day for each day of the present session of this General Assembly" and inserting in lieu thereof the following "twenty ($20.00) Dollars"

2. Amend H. Res. 80, on page 2, line 10, by striking out "of one dollar per day for each day of the present session of this General Assembly"

3. Amend H. Res. 80, on page 1, by inserting the following words after the enacting clause "There is hereby set aside from the legislative expense fund the sum of Two Hundred Dollars ($200.00)"

Said amendments were each and severally agreed to.

Mr. Hammons offered the following amendment to the amendment No. 3 as offered by Mr. Wagner, viz.:

4. Amend R. Res. 80 by striking the words and figures "Two hundred dollars" and insert in lieu thereof the words and figures "Two hundred and sixty ($260.00) dollars"

Said amendment to amendment No. 3 was agreed to.

Mr. Hammons offered the following amendment to said resolution, viz.:

Amend H. Res. 80, Section 1, line 3 and after the name "John Tackett" the following names: "Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields."

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, and the same

being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Raymond Eyl	Grover C. Ransom
Geo. P. Anderson	C. A. Hale	Hobart Rayburn
J. Everett Bach	C. L. Hammons	Joe E. Robinson
William T. Baker	Ira W. Hulette	William T. Rollo
B. F. Bedford	W. H. Hunt	E. A. Rose
Rell Bevins	Ben W. Johnson	Clarence Rush
F. C. Boyd	William K. King	Carl Scheben
C. P. Bradbury	Clyde D. Lester	W. S. Shanklin
C. C. Byrne	Carl Lyttle	Parker Sims
J. F. Carr	John Marshall	Wm. St. C. Stuart
George S. Clay	D. T. Matlack	A. Frank Tabb
T. Fowler Combs	C. C. May	Carl M. Taylor
Herbert Cook	T. B. McConnell	Gabe B. Taylor
John C. Cornett	Elmer McGlothen	Erna E. Tyra
G. Cunningham	H. H. McGuire	S. J. Wagner
Norman A. Curtis	J. H. McKinney	Joe L. Wall
William J. Curtis	William E. Mull	Henry Ward
Willard Q. Daniel	Tyler F. Munford	R. E. West
F. E. Daugherty	Rodes K. Myers	J. D. White
L. M. Davisworth	Alfred A. Naff	John M. Williams
Sam Dever	Homer Neikirk	W. G. Williams
Forest C. Easley	Luster C. Oxley	Lee Roy Wilson
Garland Embry	Mel Petry	Terrill A. Wilson
A. H. Eversole	E. F. Prichard	James W. Young

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Mr. Myers offered the following amendment to the title of said resolution, viz:

Amend the title to H. Res. 80 by striking out the words after the word "Tackett" and inserting in lieu thereof the

words "Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 348. An Act to amend and re-enact Section 1779A-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1779A-1 of Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Section 1779A-1.—That the Sheriff of each county having an assessed value of more than one hundred million dollars and in which there is located a city of second class, and which county comprises a separate judicial district shall be paid salary of five thousand dollars ($5,000.00) per annum. The sheriff shall be permitted to appoint such deputies and clerical assistants, subject to the approval of the fiscal court

of said county, as may be necessary for the proper performances of the duties of the office. The said sheriff with the approval of said court, shall fix the salaries of such deputies and clerical assistants but the salaries of such deputies and clerical assistants shall not in any year exceed the sum of Twenty Thousand ($20,000.00) Dollars. The fiscal court is authorized to pay all the necessary expenses incident to the proper performance of the duties of the office of the Sheriff, including the premium on his revenue bond, all of which expenses shall not in any year exceed the sum of Five Thousand ($5,000.00) Dollars.

The Sheriff shall be required at the end of each month to furnish to the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the treasurer of the county the total amount collected by him. The fiscal court shall pay to the sheriff, his deputies and clerical assistants the annual salaries in monthly installments out of the general expense fund and if approved shall pay to the sheriff the expenses incurred by him during the preceding month.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	William T. Baker	F. C. Boyd
J. Everett Bach	B. F. Bedford	C. P. Bradbury

C. C. Byrne	Clyde D. Lester	William T. Rollo
J. F. Carr	Carl Lyttle	E. A. Rose
Leonard Carson	John Marshall	Clarence Rush
George S. Clay	D. T. Matlack	Carl Scheben
H. S. Cleveland	C. C. May	Leon J. Shaikun
T. Fowler Combs	Elmer McGlothen	W. S. Shanklin
Herbert Cook	H. H. McGuire	Parker Sims
Norman A. Curtis	J. H. McKinney	Wm. St. C. Stuart
William J. Curtis	G. Samuel Milam	A. Frank Tabb
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	William E. Mull	Carl M. Taylor
L. M. Davisworth	Rodes K. Myers	Gabe B. Taylor
Sam Dever	Alfred A. Naff	Erna E. Tyra
Garland Embry	Homer Neikirk	S. J. Wagner
A. H. Eversole	Luster C. Oxley	Cass R. Walden
Raymond Eyl	Henry Plum	Henry Ward
Ferd A. Gnau	H. O. Porter	H. L. Waterfield
C. A. Hale	E. F. Prichard	R. E. West
C. L. Hammons	Grover C. Ransom	W. G. Williams
Ira W. Hulette	Hobart Rayburn	Lee Roy Wilson
W. H. Hunt	Thomas Rigdon	Terrill A. Wilson
Ben W. Johnson	E. S. Robey	
William K. King	Joe E. Robinson	—73

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 393. An Act to amend and re-enact section 1234, Kentucky Statutes, Baldwin's 1936 Revision, relating to the jurisdiction of courts of offenses committed by convicts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Franklin Circuit Court shall have jurisdiction of the offenses mentioned in the two preceding sections if the offense was committed by a convict confined in the penitentiary at Franfort; if the offense was committed by a convict confined in the penitentiary at Eddyville, the Lyon Circuit Court shall have jurisdiction; if the offense was committed by a convict confined in the Reformatory at La Grange, the Oldham Circuit Court shall have jurisdiction.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	H. S. Cleveland	Ferd A. Gnau
Geo. P. Anderson	T. Fowler Combs	C. A. Hale
J. Everett Bach	Herbert Cook	S. T. Hamilton
William T. Baker	Norman A. Curtis	C. L. Hammons
B. F. Bedford	William J. Curtis	Ira W. Hulette
Rell Bevins	Willard Q. Daniel	W. H. Hunt
F. C. Boyd	F. E. Daugherty	Ben W. Johnson
C. P. Bradbury	L. M. Davisworth	Clyde D. Lester
C. C. Byrne	Sam Dever	D. T. Matlack
J. F. Carr	Garland Embry	C. C. May
Leonard Carson	A. H. Eversole	Elmer McGlothen
George S. Clay	Raymond Eyl	H. H. McGuire

G. Samuel Milam	Hubert H. Read	S. J. Wagner
Stanley C. Moebus	Thomas Rigdon	Cass R. Walden
William E. Mull	William T. Rollo	Henry Ward
Rodes K. Myers	Carl Scheben	H. L. Waterfield
Homer Neikirk	W. S. Shanklin	R. E. West
Luster C. Oxley	Parker Sims	John M. Williams
Henry Plum	Wm. St. C. Stuart	W. G. Williams
H. O. Porter	A. Frank Tabb	Lee Roy Wilson
E. F. Prichard	W. R. Tapp	James W. Young
Grover C. Ransom	Carl M. Taylor	
Hobart Rayburn	Gabe B. Taylor	—67

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 234. An Act relating to Highway Patrol conferring powers of peace officers upon Highway Patrolmen; providing for oath and bond of such patrolmen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Powers, Duties and Jurisdiction of Highway Patrolmen.* State Highway Patrolmen as provided for in sections 2739g-97 and 4618-99 of Carroll's Kentucky Statutes, 1936 edition, when commissioned, are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and are hereby given the same right and vested with the same power to arrest, search and seize as is now given by law

to sheriffs and other peace officers of this Commonwealth, and they shall be at all times subject to the call of the Governor of this Commonwealth. The members of such Highway Patrol shall have jurisdiction co-extensive with the boundaries of the Commonwealth but shall not have power to serve subpoenas, summonses or notices in civil cases, except in cases in which the Commonwealth or some agency or institution thereof is a party.

§ 2. *Oath and Bond of Patrolmen.* Each member of the State Highway Patrol, before entering upon his duties, or continuing in the performance of his duties after the effective date of this Act, shall, pursuant to the provisions of sections 3751 et sequitur, of Carroll's Kentucky Statutes, 1936 edition, take an oath and execute a bond with a good and solvent corporate surety, authorized to do business in this Commonwealth, in the penal sum of five thousand dollars ($5,000) faithfully to perform the duties of his office. The premiums on such bonds shall be paid from the appropriation provided for the maintenance of the Division of Highway Patrol in the Department of Highways.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William T. Baker	F. C. Boyd
Geo. P. Anderson	B. F. Bedford	C. P. Bradbury
J. Everett Bach	Rell Bevins	C. C. Byrne

J. F. Carr	Carl Lyttle	W. S. Shanklin
Leonard Carson	D. T. Matlack	Parker Sims
H. S. Cleveland	C. C. May	Wm. St. C. Stuart
T. Fowler Combs	Elmer McGlothen	A. Frank Tabb
Herbert Cook	Stanley C. Moebus	W. R. Tapp
G. Cunningham	John B. Mollette	Carl M. Taylor
Norman A. Curtis	Tyler F. Munford	Gabe B. Taylor
William J. Curtis	Rodes K. Myers	Erna E. Tyra
Willard Q. Daniel	Homer Neikirk	S. J. Wagner
F. E. Daugherty	Luster C. Oxley	Cass R. Walden
L. M. Davisworth	Henry Plum	Henry Ward
Sam Dever	H. O. Porter	R. E. West
Garland Embry	E. F. Prichard	J. D. White
Raymond Eyl	Grover C. Ransom	J. M. Williams
C. A. Hale	Hubert H. Read	W. G. Williams
S. T. Hamilton	Thomas Rigdon	Lee Roy Wilson
C. L. Hammons	William T. Rollo	Terrill A. Wilson
W. H. Hunt	E. A. Rose	James W. Young
Clyde D. Lester	Carl Scheben	—65

There voted in the negative—

H. L. Waterfield —1

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 212. An Act to repeal sections thirty-seven-thirteen (37-13), forty-two (42), Forty-two c-three(42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine

hundred thirty (1930) Revision, and section forty-two e-five (42e-5) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty-three (1933) Supplement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections thirty-seven-thirteen (37-13), forty-two (42), forty-one c-three (42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty (1930) Revision, and section forty-one e-five (42e-5) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty-three (1933) Supplement, be and the same are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	H. S. Cleveland	Garland Embry
William T. Baker	T. Fowler Combs	A. H. Eversole
B. F. Bedford	Herbert Cook	Raymond Eyl
Rell Bevins	Norman A. Curtis	Ferd A. Gnau
F. C. Boyd	William J. Curtis	S. T. Hamilton
C. P. Bradbury	Willard Q. Daniel	Ira W. Hulette
J. F. Carr	F. E. Daugherty	W. H. Hunt
Leonard Carson	L. M. Davisworth	Carl Lyttle

Peter P. Mattingly	Henry Plum	Wm. St. C. Stuart
C. C. May	H. O. Porter	W. R. Tapp
Elmer McGlothen	Kleber F. Price	Carl M. Taylor
J. H. McKinney	William T. Rollo	Gabe B. Taylor
Stanley C. Moebus	Carl Scheben	J. D. White
Rodes K. Myers	Leon J. Shaikun	James W. Young
Luster C. Oxley	W. S. Shanklin	—44

Those who voted in the negative were—

George S. Clay	Henry Ward	John M. Williams
Thomas Rigdon	H. L. Waterfield	—5

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 398. An Act to repeal, amend and re-enact Sections 2005-1, 2005-2 and 2005-3 of Carroll's Kentucky Statutes, 1936 Edition, and Chapter 53, paragraphs 1, 2 and 3 of the Acts of 1912, providing for increase of compensation of the members of the General Assembly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The members of the General Assembly of the Upper House (Senate) shall severally receive from the State Treasury compensation for their services, which shall be twenty dollars a day during their attendance on, and fifteen

cents per mile for the necessary travel in going to and returning from the sessions of the General Assembly

§ 2. The members of the Lower House (House of Representatives) shall receive the same compensation as provided in Section One above, for their services during their attendance on the sessions of the General Assembly.

§ 3. The President of the Senate, and the Speaker of the House of Representatives shall each receive twenty-five dollars per day while attending upon the session of their respective bodies.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William J. Curtis	Carl Lyttle
Geo. P. Anderson	F. E. Daugherty	D. T. Matlack
J. Everett Bach	L. M. Davisworth	M. T. McCarthy
B. F. Bedford	Forest C. Easley	T. B. McConnell
Rell Bevins	Garland Embry	Elmer McGlothen
F. C. Boyd	Archie H. Eversole	J. H. McKinney
C. P. Bradbury	Ferd A. Gnau	G. Samuel Milam
C. C. Byrne	C. A. Hale	Alton Mitchell
Leonard Carson	C. L. Hammons	Stanley C. Moebus
George S. Clay	W. H. Hunt	William E. Mull
T. Fowler Combs	William K. King	Tyler F. Munford
Norman A. Curtis	Clyde D. Lester	Rodes K. Myers

Alfred A. Naff	William T. Rollo	W. R. Tapp
Homer Neikirk	E. A. Rose	Gabe B. Taylor
Luster C. Oxley	Carl Scheben	Erna E. Tyra
Ed F. Prichard	W. S. Shanklin	J. D. White
Thomas Rigdon	Parker Sims	Lee Roy Wilson

—51

Those who voted in the negative were—

William T. Baker	H. H. McGuire	Henry Ward
J. F. Carr	Henry Plum	H. L. Waterfield
H. S. Cleveland	H. O. Porter	R. E. West
Herbert Cook	Kleber F. Price	John M. Williams
Sam Dever	Grover C. Ransom	W. G. Williams
S. T. Hamilton	Joe E. Robinson	James W. Young
Ira W. Hulette	A. Frank Tabb	
Peter P. Mattingly	Carl M. Taylor	

—22

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 355. An Act to amend and re-enact subsections five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred and fifty thousand (250,000), by providing for the issuance of certain processes, notices, subpoenæ and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the officers of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said

counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables thereon are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provisions made otherwise by law for other peace officers in such counties: Now, Therefore,

With an amendment thereto by way of Substitute therefor as proposed by the Committee on Rules.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection five (5) of Section 1083-a of Carroll's Kentucky Statutes is amended by adding to the said subsection the following:

"To certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue release for wages held under garnishment after the allowances of pleas of exemption; to issue all processes, notices and subpoenæ which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders of delivery of personal property, executions, processes or orders for the release

or discharge of any person from custody or confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding," so that when so amended and re-enacted the said subsection five (5) shall read as follows:

"It shall be the duty of each recorder, after executing bond as required in Section four (4) (K. S. Section 1083-a-4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justice of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the power to administer oaths; to certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenæ which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for delivery of personal property, executions, processes or orders for the release or discharge of any person from custoday or confinement, or for the release or discharge of any property under the control or in the possession of the court, or any officer except as hereinabove provided, and, in addition

to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding."

§ 2. That subsection nine (9) of Section 1083-a of Carroll's Kentucky Statutes is amended by striking from the eighteenth line thereof the words "constable or," which words now appear in the proviso of the said subsection immediately following the words "provided, however, that in no event shall any," and immediately preceding the words "deputy constable for any month," and by striking form the twentieth and twenty-first lines thereof the words "constable or," which words now appear in the provisio of the said subsection immediately following the words "deputy constable, pursuant to section (2)" and by adding to the said subsection the following:

"The constable elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts, in particular, and of all the justices' courts of the county in general.

"On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading of civil matters,

a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and no executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters a brief but adquate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, tho shall cause attested copies thoreof to be promptly delivered to the county

judge, the county attorney, and the attorney for the Commonwealth.

"All Acts and parts of Acts in conflict herewith are, to the extent of such conflict hereby repealed," so that when so amended and re-enacted the said subsection nine (9) of Section 1083-a shall read as follows:

Each person hereafter elected or appointed and thereafter holding the office of the constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-seven hundred ($2,700.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of eighteen hundred ($1,800.00) dollars per annum, which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any deputy constable for any month exceed the amount paid into the general fund of said county by the said deputy constable, pursuant to Section (2) (K. S. Section 1083-a-2) hereof, during the preceding month.

The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same

district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned and unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which serach warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned and unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed

and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies thereof to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

The provisions of this Act shall be retroactive and shall apply to the present official term of all constables and deputy constables in the said counties now holding office at the time of the passage and approval hereof.

Any constable who willfully fails and refuses to perform the duties hereinabove enumerated or who shall be guilty of misfeasance or nonfeasance in office, shall be dealt with and punished in accordance with the provisions of Section 3748 of Carroll's Kentucky Statutes, 1922.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Said Substitute is as follows, viz:

An Act to amend and re-enact subdivisions five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred fifty thousand (250,000), by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the

said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provision made otherwise by law for other peace officers in such counties, now, therefore;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection five (5) of Section 1083-a of Carroll's Kentucky Statutes is amended by adding to the said subsection the following: "To certify by attestation the accuracy of copies of pleading, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release of discharge of any person from custody of confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding, "so that when so amended and re-enacted the said subsection five (5) shall read as follows: It shall be the duty of each recorder, after executing bond as required in

section four (4) (K. S. Section 1083-a-4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justices of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the power to administer oaths; to certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowances of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivey of personal property, executions, processes or orders for the release or discharge of any person from custody or confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and, in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding.

§ 2. That subsection nine (9) of Section 1083-a of Carroll's Kentucky statutes is amended by striking from the eighteenth line thereof the words "constable or," which words now appear in the proviso of the said subsection im-

mediately following the words "provided, however, that in no event shall any," and immediately preceding the words "deputy constable for any month," and by striking from the twentieth any twenty-first lines thereof the words "constable or", which words now appear in the porviso of the said subsection immediately following the words "deputy constable, pursuant to section (2)" and by adding to the said subsection the following:

"The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendants, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in atendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been ob-

tained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, return unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution noting, the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the wararnts returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies; noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of the other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies therein to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed,'' so that when so amended and re-enacted the said subsection nine (9) of Section 1083-a shall read as follows: Each person hereafter

elected or appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred ($2400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-one hundred ($2100.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any deputy constable for any month exceed the amount paid into the general fund of said county by the said deputy constable, pursuant to section (2) (K. S. S. Section 1083-a-2) hereof, during the preceding month.

The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number

of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexcuted, and not returned and not executed. Each monthly report shall also, contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arerst have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall

cause attested copies thereof to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

The provisions of this act shall be retroactive and shall apply to the present official term of all constables and deputy constables in the said counties, now holding office at the time of the passage and approval hereof.

All acts and parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Any constable who wilfully fails and refuses to perform the duties herein above enumerated or who shall be guilty of misfeasance or malfeasance in office, shall be dealt with and punished in accordance with the provisions of section 3748 of Carroll's Kentucky Statutes of 1922.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	John C. Cornett	Garland Embry
Geo. P. Anderson	G. Cunningham	A. H. Eversole
J. Everett Bach	Norman A. Curtis	Raymond Eyl
William T. Baker	William J. Curtis	Ferd A. Gnau
B. F. Bedford	F. E. Daugherty	S. T. Hamilton
F. C. Boyd	L. M. Davisworth	C. L. Hammons
C. P. Bradbury	Sam Dever	Ira W. Hulette
H. S. Cleveland	Forest C. Easley	W. H. Hunt

Ben W. Johnson	Homer Neikirk	A. Frank Tabb
William K. King	Luster C. Oxley	W. R. Tapp
Clyde D. Lester	Henry Plum	Gabe B. Taylor
Carl Lyttle	H. O. Porter	Erna E. Tyra
Peter P. Mattingly	Kleber F. Price	Cass R. Walden
C. C. May	Grover C. Ransom	Joe L. Wall
M. T. McCarthy	Hubert H. Read	Henry Ward
Elmer McGlothen	E. S. Robey	H. L. Waterfield
H. H. McGuire	William T. Rollo	J. D. White
G. Samuel Milam	E. A. Rose	John M. Williams
Alton Mitchell	Carl Scheben	W. G. Williams
Tyler F. Munford	W. S. Shanklin	Lee Roy Wilson
Rodes K. Myers	Parker Sims	Terrill A. Wilson
Alfred A. Naff	Wm. St. C. Stuart	James W. Young

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Those who voted in the negative were—

Herbert Cook	Carl M. Taylor	—2

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 392. An Act relating to the improvement of the streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency or agencies of the United States Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a lien against the property of said abutting property owners to secure the

payment of said assessment in ten equal installments over a period of ten years and the sale and issue of bonds by the city and providing for the enforcement of said lien and the collection of said assessment and said installments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act provided an alternative method for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters and does not conflict with or repeal any part of any act now in force providing for the improvement of such public ways, streets, alleys and sidewalks.

§ 2. The common council or the board of commissioners in cities of the fifth and sixth classes which have adopted or may adopt the commission form of government may by ordinance provide for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters or parts thereof in cooperation with the Works Progress Administration of the United States Government or any other agency of the Federal or State Government. The improvement of any public way by original building or reconstruction or by resurfacing of a foundation already in place shall be deemed an improvement within the provisions of this act.

The improvement of such public ways contemplated by this act may be made by the Works Progress Administration or other agency of the Federal or State Government and at the exclusive cost of the owners of real estate abutting on such improvement to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet and a tax shall be levied upon such lots or parcels or real estate for the payment of the cost assessed thereon, which cost shall be the

difference between the total cost of completing said improvement and the total amount of the contribution of the Works Progress Administration or other agency of the Federal or State Government engaged in making said improvement, which tax shall be due and payable at the office of the City Treasurer when said improvement shall have been completed which time shall be determined by the Board of Commissioners or City Council of said city with the advice of the City Engineer. Upon petition of more than fifty per cent of the property owners affected by said improvement the Board of Commissioners of such fifth and sixth class cities which have adopted or shall adopt the commission form of Government or the City Council of fifth and sixth class cities may by ordinance duly adopted and enacted by a majority vote of its members at a regular meeting of the said council may cause any such improvement to be made and the assessments against the property owners paid upon the ten year bond plan as hereinafter provided.

§ 3. Whenever any work done hereunder upon the ten year bond plan has been completed and accepted and the property owner whose property has been assessed does not pay the total of this assessment to the City Clerk when said improvement shall have been accepted, the City Council shall issue the bonds of the city in sums not to exceed the cost of said improvement and all expenses in connection therewith including the expenses of the issuance and sale of said bonds and shall sell the same to the highest and best bidder after due advertisement, at a price not less than par and accrued interest. Said bonds shall be divided into ten series, each series to be as nearly equal as possible. Said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of a denomination of One Hundred ($100.00) Dollars or multiple thereof not exceeding Five Hundred ($500.00) Dollars and shall bear interest at a rate not to exceed 6% per annum and shall be payable at a Kentucky bank to be designated by the

Board of Commissioners or City Council and the holders or owners of said bonds shall be given a first and superior lien which lien shall be superior to any and all liens except for state, County school or city taxes on the property lots or parcels of real estate so assessed for said improvement to fully secure the payment of said bonds and any and all accrued interest thereon and the cost of collection, if any.

§ 4. All moneys arising from the sale of bonds provided for herein shall be kept by the City Treasurer in a separate fund to be known as the street improvement fund and the Treasurer shall pay out of the said fund all orders which the City Council shall direct paid for any street improvement provided for herein and shall keep all money accruing or arising under the provision hereof in the same manner and subject to all the regulations regarding other money of the city except that he shall keep a separate account of the same and credit all interest arising therefrom to said street improvement fund and said city Treasurer shall be responsible under his official bond as City Treasurer for all the money accruing or received by him hereunder and for the faithful performance of the duties herein required of him.

§ 5. The assessment against the property owners for improvements mentioned and set out in the preceding section of this act, shall be made as soon as the improvement is fully completed and accepted and the sum assessed against each lot or parcel of lots or piece of property and also the names of owners thereof who do not pay the whole of their assessment in cash at the time of the assessment shall be placed upon the tax list of the city and shall be payable to the City Treasurer in ten equal annual installments with interest at the same rate per annum which said bonds bear upon the unpaid portion thereof. The first installment with interest on the whole amount at the rate per centum shall be payable at the time of the first payment of the city taxes next succeeding the time such assessment is placed upon the tax list becomes due and the remaining unpaid installments annually thereafter and

always at the time of the payment of other city taxes with interest at said rate on the installments not due at the time until all unpaid installments shall have been paid. The assessments may be collected like other city taxes, or the city may at any time, after any installment remains delinquent for thirty days, by suit in equity enforce the lien for all unpaid installments both those so delinquent and the remaining unpaid installments assessed against the delinquent property with interest at said rate thereon to the date of satisfaction thereof and in any such action an allegation in substance that the improvement has been made and the work accepted pursuant to and by ordinance of the City Council or Commissioners duly passed in accordance with law, shall be a sufficient pleading of the ordinance and proceedings under which the work was done and accepted without setting out same in full. In default of payment of any such installment or tax or interest for thirty days after same becomes due as herein stated a penalty of ten per centum of the installment so in arrears shall be added and it shall constitute a like lien as a tax and all unpaid installments of the tax assessed against such property so in default shall at the option of the city or any bondholder whose bond or bonds or interest thereon are in default forthwith become due and payable. Any such action shall be prosecuted in the name of the city for the benefit of any and all bondholders whose bonds or interest thereon are in default and in any such action such lien shall be enforced for the payment of all unpaid installments assessed against such property with all interest thereon and for such added penalty and the cost of the action.

§ 6. The assessments herein provided under the provisions hereof together with the interest accruing thereon shall be and constitute a lien upon the property fronting or abutting or bordering upon the streets or improvement from the date of the passage of the ordinance authorizing the improvement made and shall remain a lien until fully paid off including

interest and cost, having precedence over all other liens except for state, county schools and city taxes and said liens shall not be defeated or postponed by any judicial sale or by any mistake in the description of the property or in the name or names of the owners thereof.

§ 7. The owner or owners of lots or parts of lots or land now or may at any time after the assessment for a street or sidewalk improvement is made hereunder may pay off in full the whole amount up to and including the next ensuing date provided for the payment of city taxes and the lien herein established shall be satisfied by such payment, if any owner or owners of property shall divide his property so that the number of feet fronting the improvement is separated in small lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon or the lien may be apportioned to the new owners by the City Clerk, calculated by the rate of the foot front of such lot, lots or parcels of lots to the front of the original tract.

§ 8. All money received from the assessment herein provided for shall be apportioned upon the order of the City Council or Board of Commissioners of such cities as have adopted the commission form of Government or upon the order of the City Treasurer to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for. No property shall be exempt from such improvement tax. There shall be a lien upon such lots or parcels of real estate for the portion of the cost of such improvement so assessed against them and said assessment shall bear interest at said rate per annum from the time that it becomes due under the provisions of this act until it is paid. Said lien to secure the payment of said assessment shall be superior to all others except the lien for state, county school and city taxes.

§ 9. Any assessment for any such improvement, as pro-

vided for in this act, which exceeds one-half of the value of the lots or parcels of real estate upon which the assessment is made, shall be void as to such excess, but the improvements shall be taken into consideration in fixing the value of such real estate and the City Council or said Board of Commissioners shall provide for the payment of any such excess out of the general fund.

§ 10. If any property abutting on the improvement provided for herein be owned by any county or county school board or other boards of education, said property shall be subject to the assessment for the improvement herein provided for the same as any other property, and said county, or county school board or other boards of education shall pay in cash such portion of the tax as may be assessed against it, and the lien herein provided for to secure the payment of said assessment and tax shall apply to and attach to the said property or properties owned by any county, county school board or other boards of education, and the same right of action for the collection of such tax shall lie against the county, county school board or other boards of education as is provided against any abutting owner.

§ 11. All funds paid to the City Treasurer assessed under the provisions of this act for the improvement of any public way shall be kept in a separate account by said treasurer and used only for the purposes for which they were assessed and said treasurer shall keep a book which shows accurately the amount of said assessment, the name of the owner of the property against which the assessment has been made and the payment and the dates thereof.

§ 12. Before the City Council or the Board of Commissioners in cities which have adopted or may adopt the commission form of government shall order the improvement of any street, alley, public way, sidewalk, curb, gutter or other public way or any part thereof under the provisions of this act, it shall adopt a resolution designating the street or pub-

lic way or part thereof proposed to be improved, setting out in general terms the character and extent of the proposed improvement and declare such improvement to be a public necessity. Such resolution shall be published in at least one issue of a newspaper of general circulation, published in such city at least seven days before the ordinance ordering such improvement shall have its final passage. At any time prior to the final passage of said ordinance ordering said improvement, the owners of more than 50% of the abutting property may file a written petition designating the materials to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable or may file a written protest against the improvement. Such petition of protest shall be filed with the mayor and he shall transmit the same for the City Council or Board of Commissioners at its next meeting after he receives it. Should such petition be filed, as above provided, the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than that designated in the petition unless the ordinance therefor be passed by a two-thirds vote of the members elect of the City Council or said Board of Commissioners. Should a written protest be filed against said improvement, as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-thirds vote of the members elect of the City Council or said Board of Commissioners.

§ 13. All acts and parts of acts in conflict herewith are hereby repealed.

§ 14. Whereas many of the cities of the fifth and sixth classes to which this act is applicable are now without adequate streets, public ways and sidewalks thus endangering the safety and convenience of the inhabitants thereof and whereas the Works Progress Administration is offering to extend its facilities to aid in the construction of such streets, public ways and sidewalks, it is necessary that said cities be

equipped to take advantage of such offer at once; therefor, an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Mr. Ward offered the following amendments to said bill, viz:

1. Amend H. B. 392 on page 2, lines 2 and 3 of Sec. 3 by striking out the words "fifth and sixth classes which have adopted or may adopt the commission form of government" and substituting in lieu therefor the following "second, third, fourth, fifth and sixth classes"

2. Amend H. B. 392 on page 2, lines 27, 28, 29 and 30 by striking out the words "of such fifth and sixth class cities which have adopted or shall adopt the commission form of government or the city council of fifth and sixth class cities" and substituting in lieu thereof the following "or the city council"

3. Amend H. B. 392 on page 6, section 8, lines 3 and 4 by striking out the words "of such cities as have adopted the commission form of government"

4. Amend H. B. 392 on page 7, sec. 12, lines, 1, 2 and 3 by striking out the words "in cities which have adopted or may adopt the commission form of government"

5. Amend H. B. 392 on page 8, Sec. 14, line 1, by adding after the word "the" and before the word "fifth" the following: "second, third, fourth"

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being

engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Raymond Eyl	H. O. Porter
Geo. P. Anderson	Ferd A. Gnau	Kleber F. Price
J. Everett Bach	C. A. Hale	Grover C. Ransom
William T. Baker	S. T. Hamilton	Hobart Rayburn
B. F. Bedford	Ira W. Hulette	E. S. Robey
Rell Bevins	W. H. Hunt	William T. Rollo
F. C. Boyd	Ben W. Johnson	E. A. Rose
C. P. Bradbury	William K. King	Carl Scheben
J. F. Carr	Clyde D. Lester	W. S. Shanklin
George S. Clay	John Marshall	Parker Sims
H. S. Cleveland	D. T. Matlack	Wm. St. C. Stuart
T. Fowler Combs	Peter P. Mattingly	A. Frank Tabb
Herbert Cook	C. C. May	W. R. Tapp
John C. Cornett	M. T. McCarthy	Carl M. Taylor
G. Cunningham	Elmer McGlothen	Gabe B. Taylor
William J. Curtis	H. H. McGuire	Cass R. Walden
F. E. Daugherty	J. H. McKinney	Joe L. Wall
L. M. Davisworth	G. Samuel Milam	Henry Ward
Sam Dever	Alton Mitchell	H. L. Waterfield
Forest C. Easley	Tyler F. Munford	L. Roger Wells
Garland Embry	Rodes K. Myers	J. D. White
A. H. Eversole	Alfred A. Naff	Lee Roy Wilson

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There voted in the negative—

T. B. McConnell —1

Mr. Ward offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 392 in line 3 by adding after the

word "the" and before the word "fifth" the following: "second, third, fourth"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 314. An Act permitting a county board of education to levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of the subdistrict levies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In every county school district where all of the subdistricts thereof levy a special tax, the board of education of the county district may, in its option, abolish all of the special levies of the subdistricts and in lieu of the said special levy and the regular county levy the county board of education may levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of the subdistrict levies.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ira W. Hulette	Hobart Rayburn
J. Everett Bach	W. H. Hunt	E. S. Robey
B. F. Bedford	Ben W. Johnson	Joe E. Robinson
Rell Bevins	William K. King	William T. Rollo
F. C. Boyd	Clyde D. Lester	E. A. Rose
C. P. Bradbury	John Marshall	Clarence Rush
C. C. Byrne	D. T. Matlack	Carl Scheben
H. S. Cleveland	C. C. May	Leon J. Shaikun
Herbert Cook	M. T. McCarthy	W. S. Shanklin
John C. Cornett	Elmer McGlothen	Parker Sims
G. Cunningham	Heman H. McGuire	Wm. St. C. Stuart
Norman A. Curtis	J. H. McKinney	A. Frank Tabb
William J. Curtis	G. Samuel Milam	W. R. Tapp
Willard Q. Daniel	Stanley C. Moebus	Carl M. Taylor
F. E. Daugherty	William E. Mull	Gabe B. Taylor
L. M. Davisworth	Tyler F. Munford	Erna E. Tyra
Sam Dever	Rodes K. Myers	Joe L. Wall
Forest C. Easley	Alfred A. Naff	Henry Ward
Garland Embry	Luster C. Oxley	H. L. Waterfield
Raymond Eyl	Henry Plum	L. Roger Wells
Ferd A. Gnau	H. O. Porter	J. D. White
C. A. Hale	Kleber F. Price	W. G. Williams
S. T. Hamilton	Ed F. Prichard	Lee Roy Wilson
C. L. Hammons	Grover C. Ransom	James W. Young

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Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, an amendment by way of Substitute was reported to a bill entitled:

H. B. 375. An Act for the regulation and operation of lawful coin or token operated vending machines or devices, etc.

(Which was laid on the Clerk's desk on February 18)

Ordered that said Substitute be printed.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 244. An Act repealing, amending and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739g-13, Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

Whenever an automobile that has been previously registered changes ownership, the registration plates shall remain upon such automobile as a part thereof until the expiration of the registration year; subject, however, to the following provisions:

1. No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year.

2. No person shall sell or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

3. No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipts for registration fee for the current year, endorsed as provided for above.

4. Upon such change of ownership, the purchaser, as the applicant for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain, and the purchaser shall accompany same with a transfer fee of fifty cents (50c), for which the clerk shall issue a receipt bearing the same data and information as is required on the original receipt, except the change in name or address. For his services hereunder the purchaser shall pay the clerk a fee of twenty-five cents (25c). Said purchaser shall have in his possession a receipt showing such transfer before said automobile shall be operated upon any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future use as such he shall be relieved of the duty of transferring registration by the immediate delivery of registration plates, endorsed receipt and second copy of bill of sale to the clerk, whereupon the clerk shall immediately return said plates, receipt, and copy of bill of sale to the Department of Revenue, and for these services the purchaser shall pay the clerk the sum of twenty-five cents (25c).

§ 2. That section 2739g-65, Baldwin's 1936 edition of Carroll's Kentucky Statutes, providing penalties for violations of certain statutes relating to motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

(a) Any person violating the provisions, or any of them, of sections 2739g-2, 2739g-3, 2739g-4, 2739g-5, 2739g-6, 2739g-7, 2739g-8, 2739g-9, 2739g-10, 2739g-11, 2739g-12, 2739g-13, 2739g-14, 2739g-22, 2739g-23, 2739g-24, 2739g-25, 2739g-26, 2739g-27, 2739g-28, 2739g-29, 2739g-30, 2739g-31, 2739g-32,

2739g-33, 2739g-34, 2739g-35, 2739g-36, 2739g-37, 2739g-38, 2739g-39, 2739g-40, 2739g-41, 2739g-42, 2739g-43, 2739g-44, 2739g-45, 2739g-46, 2739g-47, 2739g-48, 2739g-49, 2739g-50, 2739g-51, 2739g-57, 2739g-61, and 2739g-62, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense.

(b) Any person violating the provisions, or any of them, of sections 2739g-53, 2739g-54, 2739g-55, 2739g-56, 2739g-59, and 2739g-60, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than two thousand dollars ($2,000.00), or by imprisonment in the county jail for not exceeding one year, or both by such fine and imprisonment within or to the maximum of both.

(c) The above subsections (a) and (b) shall not be construed in any way as relating to the penalty fixed by section 2739g-58 of this act.

Mr. Hammons offered the following amendment thereto by way of Substitute therefor, viz:

Substitute for House Bill No. 244

An Act repealing, amending and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That section 2739g-13, Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

Whenever an automobile that has been previously regis-

tered changes ownership, the registration plates and container shall remain upon such automobile as a part thereof until the expiration of the registration year; subject, however, to the following provisions;

1. No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year. The copy of the registration receipt shall be visible at all times in the drivers' compartment. Said copy shall be carried in a container that will protect same and that may be removed only by multiation of said registration receipt and without injuring or destroying said container. The container shall bear corresponding numbers with the license plates of said automobile.

2. No person shall sell or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

3. No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipts for registration fee for the current year, endorsed as provided for above.

4. Upon such change of ownership, the purchaser, as the applicant for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain, and the purchaser shall accompany same with a transfer fee of Two ($2.00) Dollars, for which the clerk shall issue a receipt bearing the same data and information as is required on the original receipt, except the change in name or address. For his services hereunder the purchaser shall pay the cleak an additional fee of twenty-five cents (25c). Said transfer fee of Two ($2.00) Dollars shall go into the State Treasury and shall be divided into one hundred and twenty parts and one/one hundred and twentieths (1/120's) thereof

shall be turned over by the State Treasurer to each county in this Commonwealth, to be used for the purpose of paying interest and principal in retiring bonded indebtedness, if any, of each of said counties. And if any such county has no such bonded indebtedness, then its pro rata part shall go into the general treasury of such county. Said purchaser shall have in his possession a receipt showing such transfer before said automobile shall be operated upon any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future sue as such he shall be relieved of the duty of transfering registration by the immediate delivery of registration plates, and endorsed receipt and second copy of bill of sale to the clerk, whereupon the clerk shall immediately return said plates, receipt, and copy of bill of sale to the Department of Revenue, and for these services the purchaser shall pay the clerk the sum of twenty-five (25c) cents. The Department of Revenue shall furnish all necessary blanks and supplies for carrying out the provisions of this Act; said supplies and equipment to be paid for out of the general funds received by the State for the annual licensing of automobiles.

Sec. 2. That section 2739g-65, Baldwin's 1936 Edition of Carroll's Kentucky Statutes, providing penalties for violations of certain statutes relating to motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enatced shall read as follows:

(a) Any person violating the provisions, or any of them, of sections 2739g-2, 2739g-3, 2739g-4, 2739g-5, 2739g-6, 2739g-7, 2739g-8, 2739g-9, 2739g-10, 2739g-11, 2739g-12, 2739g-13, 2739g-14, 2739g-22, 2739g-23, 2739g-24, 2739g-25, 2739g-26, 2739g-27, 2739g-28, 2739g-29, 2739g-30, 2739g-31, 2739g-32, 2739g-33, 2739g-34, 2739g-35, 2739g-36, 2739g-37, 2739g-38, 2739g-39, 2739g-40, 2739g-41, 2739g-42, 2739g-43, 2739g-44, 2739g-45, 2739g-46, 2739g-47, 2739g-48, 2739g-49, 2739g-50 2739g-51, 2739g-57, 2739g-61, and 2739g-62, shall be deemed

guilty of a misdemeanor, and upon conviction thereof shall by a fine of not less than Twenty-five ($25.00) Dollars nor more than One Hundred ($100.00) Dollars for each offense.

(b) Any person violating the provisions, or any of them, of section 2739g-53, 2739g-54, 2739g-55, 2739g-56, 2739g-59, and 2739g-60, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten ($10.00) Dollars nor more than Two Thousand ($2,000.00) Dollars or by imprisonment in the county jail for not exceeding one year, or both by such fine and imprisonment within or to the miximum of both.

(c) The above subsections (a) and (b) shall not be construed in any way as relating to the penalty fixed by section 2739g-58 of this Act.

Said Substitute was rejected.

Mr. Gnau offered the following amendment to said bill, viz:

Amend H. B. 244 on page 2, Sec. 1, subsec. 4, lines 26 and 27 by striking out the words "a fee of twenty-five cents (25c)" and inserting in lieu thereof the words and figures "a fee of fifty cents (50c)"

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	Joe E. Robinson
C. P. Bradbury	Ben W. Johnson	John C. Robinson
C. C. Byrne	Clyde D. Lester	Carl Scheben
H. S. Cleveland	John Marshall	Parker Sims
T. Fowler Combs	D. T. Matlack	A. Frank Tabb
John C. Cornett	Peter P. Mattingly	W. R. Tapp
F. E. Daugherty	C. C. May	Henry Ward
Sam Dever	M. T. McCarthy	L. Roger Wells
Forest C. Easley	J. H. McKinney	John M. Williams
Garland Embry	Rodes K. Myers	W. G. Williams
C. A. Hale	Mel Petry	James W. Young
Ira W. Hulette	E. S. Robey	—35

Those who voted in the negative were—

Geo. P. Anderson	William K. King	E. A. Rose
J. Everett Bach	Elmer McGlothen	Clarence Rush
B. F. Bedford	H. H. McGuire	Leon J. Shaikun
F. C. Boyd	G. Samuel Milam	W. S. Shanklin
J. F. Carr	Alton Mitchell	Wm. St. C. Stuart
Leonard Carson	Stanley C. Moebus	Carl M. Taylor
George S. Clay	John B. Mollette	Gabe B. Taylor
Herbert Cook	William E. Mull	Erna E. Tyra
G. Cunningham	Tyler F. Munford	Cass R. Walden
Norman A. Curtis	Homer Neikirk	Joe L. Wall
Willard Q. Daniel	H. O. Porter	H. L. Waterfield
L. M. Davisworth	Ed F. Prichard	R. E. West
A. H. Eversole	Grover C. Ransom	J. D. White
Raymond Eyl	Hobart Rayburn	Lee Roy Wilson
Ferd A. Gnau	Hubert H. Read	Terrill A. Wilson
S. T. Hamilton	Thomas Rigdon	
C. L. Hammons	William T. Rollo	—49

Mr. Clay moved that the vote by which said bill was rejected, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Clay moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

Mr. Myers moved that the privilege of the floor be extended to Mr. John Buchanan of Louisville, Kentucky.

Said motion was agreed to.

Mr. Baker moved that the privilege of the floor be extended to Mr. L. G. Smith of Shelbyville, Kentucky.

Said motion was agreed to.

Mr. McConnell moved that the privilege of the floor be extended to Mr. Barney Jones of Princeton, Kentucky.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 413. An Act amending charters of cities of the third class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. DEFINITIONS. As used in this Act, the following words and terms shall have the following meaning:

(a) The term CIVIL SERVICE includes the offices and positions of trust or employment in the service of the City not specifically excluded, herein, and specifically excluded by Ordinance of such City adopting this Act.

(b) The term APPOINTING AUTHORITY signifies the officer, commission, board, or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

(c) The term EMPLOYEES signifies any person or persons who is employed in the conduct of municipal affairs including those holding an administrative or directorial position as has heretofore been or may hereafter be established for cities of the third class, provided, however, that the Mayor of any city is not considered an employee within the meaning of this Act.

(d) The term ADMINISTRATIVE OR DIRECTORIAL POSITIONS signified any person or persons who is the head of a department of municipal government as has heretofore been or may hereafter be established.

(e) The word COMMISSION shall mean the board of civil service commissioners as established under the terms of this Act.

(f) The term PENSION FUND shall mean the monies derived from the employees and the levy of a special tax either or both or any other sum derived from any other source by gift or otherwise, to be used for the retirement of employees after the prescribed number of years of service and for the benefit of disabled employees and for the benefit of widows and dependent children in the case of death of an employee within the scope of his or her employment according to the terms of this Act and the Ordinance of such City adopting this Act.

§ 2. That any City of the third class may, by Ordinance, create a civil service commission whose duties it shall be to hold examinations as to the qualifications of applicants for

municipal employment within the several departments of such cities as may be designated by Ordinance of such City electing to operate under this Act, and, such City, by Ordinance, may classify employees of said City and designate such class of employees if such City desires to come within the provisions of this Act. When any City of the third class elects to adopt an Ordinance under the provision of this Act for the creation of a pension fund and accepts from its employees a portion of their wages and levies a tax therefor, as provided by terms of this Act and by Ordinance of such City, an inviolable contract shall be created and be in existence by and and between the City as employer and such employees and the City and such employees shall continue to operate under the provisions of this Act and said Ordinance adopting this Act and a repeal of said Ordinance by said City shall in no wise affect such employees unless by the mutual consent of the City and the said employee or employees.

The Mayor, subject to the approval of the Legislative body of the City, shall appoint three persons who shall constitute the civil service commission of said City, each appointee shall be at least thirty years of age and not related by either blood or marriage to either the Mayor or any member of the Legislative body of the City. Such appointees shall originally be appointed one for a term of one year; one for a term of two years and one for a term of three years, respectively, and the successors to such appointees shall be appointed in like manner, each for a period of three years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as the original appointments. At the time of any appointment not more than two commissioners shall be adherents of the same political party. The appointee who has been originally appointed for the term of three years shall be secretary of the commission. Each appointee before entering upon the discharge of his duties shall qualify by subscribing, taking and filing an oath of office as required by law. The salary of the members of

the commission may be fixed by the Legislative body of such City, not to exceed any maximum amount as is prescribed by law.

If the appointing authority of any such City fails to appoint a civil service commission or commissioners, as provided by law, within thirty days after he has the power to so appoint or after a vacancy exists the Mayor pro tem. shall make the appointment and such appointee shall hold office until the expiration of the term, above set out, and until the successor of such appointee is appointed and qualified.

The civil service commission shall prescribe, amend and enforce rules not inconsistent with provisions of this Act or the Ordinance of such City adopting this Act for examinations and registrations therefor.

§ 3. POWERS AND DUTIES OF THE COMMISSION. The civil service commission shall prescribe and propound such examinations as may be deemed proper, commensurate with vacant positions within the various departments of said City, according to the classification as prescribed by Ordinance, and shall set such times and places for holding such examination as may be fit and proper and shall give public notice of such examinations to be conducted at least ten days in advance thereof, by causing a notice to be printed once in the official newspaper, containing all facts appertaining thereto.

The civil service commission shall as soon after all such examinations as is practicable, certify to the Mayor or such other appointing authority of said City, a list of the applicants so examined and that shall be ranked and graded according to the result of the examinations and the highest averages shall be ranked first and all others shall be ranked numerically according to the result of such examinations. Every soldier, sailor, marine, member of the Army nurse corps or Red Cross nurse who has served in the Army or Navy or hospital service of the United States in the war with the Central powers of Europe between the dates of April 16th, 1917, and November

11th, 1918, who has been honorably discharged therefrom and is a resident and voter of said City, and who is an applicant for any position in the civil service of said City shall be entitled to five per cent increase on his examination mark.

§ 4. APPOINTMENTS TO BE MADE BY MAYOR OR OTHER APPOINTING AUTHORITY. The Mayor or other appointing authority shall make all appointments to municipal positions under this Act, and the appointments so made shall be taken from the lists of applicants furnished him by the civil service commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the highest averages in the various classes and grades as so certified by the commission.

Whenever there are urgent reasons for filling a vacancy in any position in classified civil service and the commission is unable to certify to the appointing officer upon request by the latter a list of as many as three persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for noncompetitive examination and if such nominee shall be certified by the commission as qualified after such noncompetitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive exmination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible list prepared by the commission, and such eligible list shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made by the Mayor or other appointing authority without regard to the rules of this Act, but in no case to continue longer than sixty days and in no case shall successive appointments be made; provided, however, that interim or temporary appointments made necessary by reason of sickness or disability of regular officers or employees shall continue only during such period of sickness or disability.

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications such as of a managerial, professional or educational character are required and upon satisfactory evidence that for specified reasons competition in such case is impracticable and that the position can best be filled by a person of high and recognized attainment in such qualities the commission suspend the provisions of the Statute or Ordinance requiring cmopetition in such case.

Where the service to be rendered by an appointee in the classified service or for a temporary period not to exceed sixty days, and the need of such service is important and urgent, the Mayor or appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment; nor shall the period of temporary service be counted as the part of the probationary service in case of subsequent appointment to a permanent position.

No person shall be certified by the commission to the Mayor or appointing authority from an eligible list more than four times to the same Mayor or appointing authority for the same or a similar position, except at the request of said Mayor or appointing authority, provided that certification for temporary appointment shall not be counted as one of such certifications.

§ 5. PRESENT EMPLOYEES IN SERVICE ONE YEAR. Employees who at the time the provisions of this Act are adopted by any City of the third class that have been in the employ of such City for one year last past shall not be required to withstand an original examination and shall be considered eligible for all the benefits provided in this Act.

§ 6. QUALIFICATIONS OF APPLICANT FOR

MUNICIPAL EMPLOYMENT. The civil service commission shall examine all applicants for municipal employment as to their physical and mental qualifications to the particular classification for which the applicants, as defined by Ordinance, are seeking employment. No person shall be eligible to take the examination who is not a registered voter within the City and is known to be a person of sobriety and integrity and had been or is a law abiding citizen, nor shall any person be appointed to municipal employment on account of political partisan service rendered by him, or on account of political sentiment or affiliation, or who is over sixty years of age, nor shall any person in municipal employment under this Act be removed or discharged or reduced in grade or paid for any political opinion, and all applicants must be twenty-one years of age or over, and must be able to read and write and understand the English language.

§ 7. No employee in the classified service of the City, as designated by the Ordinance of said City adopting this Act shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or any rule or regulation adopted by the Legislative body of the City or any rule or regulation of the civil service commission. Any person may prefer charges in writing against any employee which must be filed in the office of the Mayor or other appointing authority who shall thereupon communicate said charges without delay to the Legislative body of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the Mayor, or other appointing authority, whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon the filing of said charges the Clerk of the Legislative body of the City shall notify the members thereof and shall serve a copy of said charges upon the

accused employee together with the statement of the date, place and hour at which and when the hearing of said charges shall begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice.

Upon the hearing said charges shall be considered traversed and put in issue and the trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Legislative body. The Legislative body will have the power to summon and compel the attendance of witnesses at all hearings and sittings by subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Legislative body shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee, but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty ($0.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Legislative body on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision.

In cases where the Mayor or appointing authority has

probable cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspend said employee from duty or from both pay and duty pending said trial and said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative body of the City. The Legislative body of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if said employee's classification warrants same or by combining any two or more of said punishments or by removing and dismissing from the service of the City any employee so found guilty. No such employee, except as provided in the Act shall be reprimanded, removed, suspended or dismissed.

§ 8. APPEAL TO CIRCUIT COURT AND COURT OF APPEALS. Any employee of the City who shall be found guilty by the Legislative body of any charge as hereinbefore provided shall have the right to appeal to the Circuit Court of the County in which said City is located, provided the punishment by a suspension of more than thirty days or a reduction in grade if his or her classification warrants or his or her removal or dismissal from the municipal employment, provided, the enforcement of the judgment of said Legislative body of said charges shall not be suspended pending said appeal.

Upon the request in writing of the person accused, and the payment of costs therefor the Clerk of the Legislative body shall file a certified copy of the charges made and the judgment or finding of said body in the Circuit Court which transcript having been filed, the cause shall be docketed in the Circuit Court and tried de novo. Should the Clerk of this body fail to certify and transmit the transcript aforesaid to the Circuit Court within five days after the request is made for same, then the aggrieved person may file an affidavit in

said Court setting out as fully as possible, the charges made at the time of trial and judgment, together with a statement of the fact that demand for the transcript had been made of the Clerk of the said body more than five days prior to the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said Court and Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory order, and upon the failure of the clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals of Kentucky as in other cases, provided, the original punishment fixed by the Legislative body of the City be removal or dismissal of the accused.

§ 9. NUMBER OF MUNICIPAL EMPLOYEES, SALARIES. The number of municipal employees and the classification thereof shall be such as the Legislative body of the City may from time to time ordain, and the Legislative body of the City shall fix by ordinance the salaries for each classification of municipal employment.

§ 10. Any such City adopting by Ordinance the provisions of this Act may provide in said Ordinance or by a subsequent Ordinance for a pension fund for the benefit of the employee under the civil service of such City and for that purpose may create a board for the pension fund and designate trustees of said board and may provide for the creation and maintenance of a pension fund by the levy of a tax of not exceeding Five ($0.05) Cents on each One Hundred (100.00) Dollars value of taxable property in said City and may asses monthly such amount or percent of the salary or wages of said employee as may be equitably determined on a fair actuarial basis not to exceed, however, a per cent greater than five per cent of the monthly salary of such em-

ployee and may fix the powers of the trustees of the pension board and determine the eligibility of employees or their dependents to a pension or other benefit and may provide a monthly allowance for said employee eligible for a pension not to exceed, however, one-half of the monthly salary or wage of said employee at the time of his retirement.

§ 11. ACT NOT TO AFFECT CERTAIN STATUTES. It is the intention of this Act that the following sections of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be not affected in any way or manner, expressly, by implication or otherwise: Sections 3351a-1 through 3351a-19, inclusive, said sections of the Statutes being Chapter 132 of the Acts of 1926, and it is the further intention of this Act that the provisions contained in this Act are independent, separate and apart from the laws governing, regulating and prescribing the duties and powers of the police and fire departments as provided in Sections 3351a-1 to 3351a-19, inclusive, or Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

§ 12. CONFLICTING LAWS REPEALED. All laws or parts of laws in conflict herewith are hereby expressly repealed. If any Section of this Act be held to be invalid or unconstitutional, such fact shall not affect any other Section of this Act, it being the intention of the General Assembly in enacting this Act to enact each Section separately; and if any priviso or exception contained in any Section of this Act shall be held to be invalid or unconstitutional such fact shall not affect the remaining portion of such Section, it being the intention of the General Assembly to enact each Section of this Act and each exception thereto separately.

§ 13. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William K. King	William T. Rollo
B. F. Bedford	Clyde D. Lester	E. A. Rose
Rell Bevins	John Marshall	W. S. Shanklin
F. C. Boyd	Peter P. Mattingly	Parker Sims
C. C. Byrne	C. C. May	Wm. St. C. Stuart
George S. Clay	M. T. McCarthy	A. Frank Tabb
H. S. Cleveland	H. H. McGuire	Gabe B. Taylor
T. Fowler Combs	Jas. H. McKinney	Cass R. Walden
William J. Curtis	William E. Mull	Joe L. Wall
Willard Q. Daniel	Rodes K. Myers	Henry Ward
F. E. Daugherty	Alfred A. Naff	L. Roger Wells
Sam Dever	Homer Neikirk	R. E. West
Forest C. Easley	Mel Petry	J. D. White
Garland Embry	Henry Plum	John M. Williams
Raymond Eyl	H. O. Porter	W. G. Williams
Ferd A. Gnau	Kleber F. Price	Terrill A. Wilson
S. T. Hamilton	Ed F. Prichard	James W. Young
C. L. Hammons	Grover C. Ransom	
W. H. Hunt	E. S. Robey	—55

There voted in the negative—

Lee Roy Wilson —1

Resolved that the title thereof be as aforesaid—

Mr. McKinney moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 394. An Act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of students in city schools to obtain a commercial education, and providing for the payment of such instruction from the city school funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any City of the Third Class any City School Board is hereby authorized and empowered to enter into and to make a contract with any private institution for the instruction of the students in the city schools of said city, provided that said private institution offers a course of study which has been approved by the State Board of Education as an accredited high school course in commercial subjects.

§ 2. Such City School Board is hereby authorized and empowered to provide in said contract the amount of such compensation to be paid for such instruction and the manner in which payment shall be made and the time of such payments.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	Joe E. Robinson
Geo. P. Anderson	C. L. Hammons	John C. Robinson
J. Everett Bach	Ira W. Hulette	William T. Rollo
B. F. Bedford	W. H. Hunt	E. A. Rose
Bell Bevins	Clyde D. Lester	Clarence Rush
F. C. Boyd	John Marshall	Leon J. Shaikun
C. P. Bradbury	D. T. Matlack	W. S. Shanklin
C. C. Byrne	C. C. May	Wm. St. C. Stuart
J. F. Carr	M. T. McCarthy	A. Frank Tabb
T. Fowler Combs	T. B. McConnell	W. R. Tapp
John C. Cornett	Jas. H. McKinney	Carl M. Taylor
William J. Curtis	Alton Mitchell	Gabe B. Taylor
Willard Q. Daniel	John B. Mollette	Erna E. Tyra
F. E. Daugherty	William E. Mull	Cass R. Walden
L. M. Davisworth	Tyler F. Munford	Joe L. Wall
Sam Dever	Rodes K. Myers	Henry Ward
Forest C. Easley	Mel Petry	R. E. West
Garland Embry	Henry Plum	J. D. White
A. H. Eversole	H. O. Porter	John M. Williams
Raymond Eyl	Kleber F. Price	W. G. Williams
Ferd A. Gnau	Ed. F. Prichard	Lee Roy Wilson
C. A. Hale	E. S. Robey	Terrill A. Wilson

—66

There voted in the negative—

Grover C. Ransom —1

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 423. An Act to repeal, amend and re-enact Chapter 14, sections 1 to 8 of the Acts of the General Assembly of 1904, redistricting the State of Kentucky into seven districts, and being Chapter 35, sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, transferring the county of Cumberland from the third appellate district to the second appellate district.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 14, sections 1 to 8 inclusive, of the acts of the General Assembly of 1904, being sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, be repealed, amended and re-enacted so as to read as follows:

First District.—The first appellate court district shall consist of the counties of Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Muhlenberg, and Christian.

Second District.—The second appellate court district shall consist of the counties of Henderson, McLean, Daviess, Hancock, Breckinridge, Ohio, Grayson, Butler, Edmonson, Warren, Allen, Simpson, Logan, Todd, Monroe, Meade, and Cumberland.

Third District.—The third appellate court district shall consist of the counties of Hardin, Bullitt, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe, Barren, Wayne, Russell, Casey, Shelby, Oldham, Anderson, Pulaski, Clinton, and McCreary.

Fourth District.—The fourth appellate court district shall consist of the county of Jefferson.

Fifth District.—The fifth appellate court district shall consist of the counties of Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard, Boyle, Jessamine, Madison, Mercer, Lincoln, Rockcastle, and Jackson.

Sixth District.—The sixth appellate court district shall consist of the counties of Boone, Campbell, Kenton, Grant, Harrison, Pendleton, Bracken, Robertson, Nicholas, Mason, Fleming, Lewis, Greenup, Carter, Rowan, Bath, and Elliott.

Seventh District.—The seventh appellate court district shall consist of the counties of Clark, Montgomery, Estill, Powell, Menifee, Bell, Harlan, Leslie, Lee, Breathitt, Perry, Letcher, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Lawrence, Boyd, Johnson, Owsley, Clay, Knox, Laurel, Whitley, and Martin.

All laws or parts of laws in conflict herewith are repealed.

Mr. Daugherty moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

B. F. Bedford	C. P. Bradbury	H. S. Cleveland
Rell Bevins	C. C. Byrne	T. Fowler Combs

G. Cunningham	C. C. May	Carl Scheben
Norman A. Curtis	Tyler F. Munford	Parker Sims
William J. Curtis	Rodes K. Myers	Wm. St. C. Stuart
F. E. Daugherty	Luster C. Oxley	W. R. Tapp
Raymond Eyl	Mel Petry	S. J. Wagner
C. A. Hale	Henry Plum	John M. Williams
S. T. Hamilton	Kleber F. Price	W. G. Williams
Ira W. Hulette	Thomas Rigdon	James W. Young
Clyde D. Lester	E. S. Robey	
John Marshall	William T. Rollo	—34

Those who voted in the negative were—

C. W. Anderson, Jr.	William K. King	Hubert H. Read
J. Everett Bach	D. T. Matlack	Clarence Rush
F. C. Boyd	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	M. T. McCarthy	W. S. Shanklin
George S. Clay	H. H. McGuire	A. Frank Tabb
Herbert Cook	J. H. McKinney	Carl M. Taylor
John C. Cornett	G. Samuel Milam	Erna E. Tyra
Willard Q. Daniel	Alton Mitchell	Cass R. Walden
L. M. Davisworth	John B. Mollette	Joe L. Wall
Sam Dever	Alfred A. Naff	Henry Ward
Garland Embry	Homer Neikirk	H. L. Waterfield
A. H. Eversole	H. O. Porter	R. E. West
Ferd A. Gnau	Ed F. Prichard	Lee Roy Wilson
C. L. Hammons	Grover C. Ransom	Terrill A. Wilson
W. H. Hunt	Hobart Rayburn	—44

Mr. Gnau moved that the vote by which said bill was rejected, be reconsidered.

Mr. Prichard moved that said motion be laid on the table.

Said last named motion was disagreed to.

The motion as made by Mr. Gnau was then disagreed to.

The yeas and nays being required thereon by Messrs. Matlack and Prichard, were as follows, viz:

Those who voted in the affirmative were—

C. P. Bradbury	C. A. Hale	E. S. Robey
C. C. Byrne	S. T. Hamilton	Joe E. Robinson
George S. Clay	Ira W. Hulette	John C. Robinson
H. S. Cleveland	Clyde D. Lester	William T. Rollo
T. Fowler Combs	Peter P. Mattingly	Carl Scheben
G. Cunningham	C. C. May	W. R. Tapp
Norman A. Curtis	Rodes K. Myers	Gabe B. Taylor
William J. Curtis	Luster C. Oxley	J. D. White
F. E. Daugherty	Mel Petry	John M. Williams
Forest C. Easley	H. O. Porter	W. G. Williams
Raymond Eyl	Kleber F. Price	James W. Young
Ferd A. Gnau	Thomas Rigdon	—35

Those who voted in the negative were—

C. W. Anderson, Jr.	John Marshall	Hubert H. Read
J. Everett Bach	D. T. Matlack	Clarence Rush
B. F. Bedford	M. T. McCarthy	Leon J. Shaikun
Rell Bevins	Elmer McGlothen	Parker Sims
F. C. Boyd	H. H. McGuire	A. Frank Tabb
J. F. Carr	J. H. McKinney	Carl M. Taylor
Herbert Cook	G. Samuel Milam	Erna E. Tyra
John C. Cornett	Alton Mitchell	Cass R. Walden
L. M. Davisworth	John B. Mollette	Joe L. Wall
Sam Dever	Alfred A. Naff	Henry Ward
Garland Embry	Homer Neikirk	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
C. L. Hammons	E. F. Prichard	Lee Roy Wilson
W. H. Hunt	Grover C. Ransom	Terrill A. Wilson
William K. King	Hobart Rayburn	—44

Mr. Myers moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate requesting that a bill entitled:

S. B. 94. An Act to empower the Governor and the administrative departments and independent agencies of the Commonwealth of Kentucky to apply for, receive and expend federal funds.

Be returned to the Senate.

Mr. Myers moved that said bill be returned to the Senate.

Without objection, said motion was agreed to.

Ordered that said bill be delivered to the Chief Clerk of the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 367. An Act to amend and re-enact sections 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Anotated, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Anotated, Baldwin's 1936 Revision be amended and re-enacted so that such sections when amended and re-enacted shall read as follows:

§ 1. 2739j-76. No certificate or permit shall be issued until there has been filed with and accepted by the Director of Motor Transportation a good and sufficient indemnity

bond or insurance policy issued by some surety or insurance company or other insurance carrier, duly authorized to transact business as such with this Commonwealth, which shall provide by such terms, conditions and provisions and in such penal sums or maximum amounts as said Director of Motor Transportation may deem necessary for the reasonable protection of the patrons of the operator of the motor vehicle for hire and of the public in the collection of damages for which the operator may be liable by reason of the operation of any motor vehicle for hire; provided, however, that the bond or insurance policy required of a contract carrier or the operator of a motor vehicle for hire engaged solely in interstate commerce shall not be for the protection of the patrons of the motor carrier; and provided further that no certificate or permit shall be issued until there has been filed with the Director of Motor Transportation a bond in the penal sum of One Thousand Dollars ($1,000.00) payable to the Commonwealth of Kentucky, with some surety company qualified to do business in this Commonwealth as surety thereon, conditioned that the applicant shall pay any and all fees, taxes or penalties which may be due under the provisions of this act and for the faithful compliance with all lawful decisions, orders, rules, regulations, demands and requirements of the Director of Motor Transportation made, rendered issued or promulgated under the provisions of this act. Provided, however, if the Director in his discretion shall deem it necessary, he may require that the amount of the bond to be given shall be increased to an amount not to exceed Five Thousand Dollars ($5,000.00). No bond or insurance policy may be cancelled or otherwise terminated at any time prior to its expiration for any reason whatever until there have been filed with said Director of Motor Transportation by the surety or indemnity company a notice to such effect at least fifteen (15) days prior to the date of such termination or cancellation. This provision shall be deemed to be a part of every such un-

dertaking, and no other provision thereof, and no agreement between the parties thereto shall operate to void the same. If any such bond or insurance policy shall become inoperative, the authority under the certificate or permit shall cease and be suspended until a bond or insurance policy meeting the requirement of this section shall become effective and be filed with said Director of Motor Transportation.

Provided, however, that in lieu of the bond for One Thousand Dollars ($1,000.00) provided by this section, any person entitled to a certificate may deposit with the Director of Motor Transportation a certified check payable to the Treasurer of the Commonwealth of Kentucky in an amount to be fixed by the Director of Motor Transportation, which check or checks shall be held by said Director as a guarantee for the protection of the Commonwealth of Kentucky for any fees or taxes due, as provided under this section and act. In the event any person fails to pay any fees or taxes within fifteen (15) days after same become due, then the Director of Motor Transportation shall have the right to cash said certified check and deduct therefrom any fees or taxes due the Commonwealth, and return to the person depositing with him said certified check any balance, in which event the certificate or permit issued to such person shall be cancelled unless the holder of such certificate or permit files with the said Director of Motor Transportation a new certified check or bond provided by this section.

§ 2. 2739L-11. Before any permit is granted by the Director of Motor Transportation, the operator shall file with said Director a good and sufficient bond with adequate corporate surety, payable to the Commonwealth of Kentucky, which shall bind the obligor therein to pay any final judgment rendered against him arising out of the death of or injury to any passenger or passengers, for loss or damage to property while in transit, or death of or injury to other persons or damage to their property, or any act or omission

connected with the operation of motor vehicles by the operator, which bond shall be in the penal sum of Five Thousand Dollars ($5,000.00) for each motor vehicle operated, for death of or injury to persons, and in the further sum of One Thousand Dollars ($1,000.00) for each vehicle operated, for damage to property, resulting from the operation of any such motor vehicle.

Instead of such bond, the Director of Motor Transportation may accept and file a policy of insurance issued by any insurance company or carrier authorized to do business in this Commonwealth, or other contract in writing deemed by the Director to be adequate, by which such insurance company or insurance carrier shall assume the liability prescribed by this section.

The Director of Motor Transportation may exempt, in whole or in part, from the requirements of this section any operator, upon application for such exemption and upon showing to the Director of Motor Transportation to his satisfaction, that by reason of the financial ability of the operator there exists due assurance of the payment of any and all damages for which said operator may become liable as a result of the opertion of any vehicles owned by said operator, and the Director may, in his discretion, in lieu of the filing of a bond with adequate corporate surety, permit any operator to file a bond with personal surety thereon, but the Director shall not permit any person to execute any bond other than a surety bond or policy unless the person applying for the right to execute a bond with personal surety, shall file with the Director an affidavit as to the inability of the person applying, to obtain a bond or policy of assurance with corporate surety. Before accepting a bond with personal surety, the Director shall have the right to require the person applying for this character of bond, to file for himself, and to have the surety thereof file an affidavit as to the property qualifications of both principal and surety, and the Director shall be the judge

of the sufficiency of both principal and surety thereon. The exemption herein provided shall be made only by written order of the Director, who may from time to time require statements of the financial condition of such operator and may upon ten (10) days notice in writing, for cause, revoke his order granting such exemption, in which event said operator shall immediately comply with the other requirements of this section.

No insurance company or insurance carrier issuing any policy filed with the Director, and no surety or other obligor on any bond or contract filed with the Director shall be relieved from liability under said policy, bond or contract until after the expiration of fifteen (15) days notice to the Director of an intention to cancel said insurance policy, bond or other contract, and the acceptance of such notice and the cancellation of such policy, bond or other contract by the Director shall not relieve the insurance company or insurance carrier or the surety on such bond or other contract of any liability which shall have accrued prior to the effective date of such cancellation. The Director shall have the right to require all bonds or insurance policies to expire and be renewed upon a given day.

If any operator shall violate any provision of this act, the Director shall give notice to such operator and if after hearing, the Director finds that such operator has violated any of the provisions of this act, he shall cancel the permit issued to such operator, and after cancellation, no operator shall have the right to ask for a renewal of his permit for a period of six (6) months. Any operator whose license is cancelled by the Director of Motor Transportation shall have the right of appeal to the Franklin Circuit Court, where said case and the hearing thereon shall be tried de novo.

§ 3. 2739L-14. The violation of any provision of this act shall constitute a misdemeanor, punishable by a fine of not less than Ten Dollars ($10.00) nor more than Two Hun-

dred Dollars ($200.00) and costs of prosecution. Prosecutions under this act may be by summary arrest, warrant or information, and the courts in the county or city where the offense is committed or the Franklin County Quarterly or Circuit Court of Franklin County shall have concurrent jurisdiction for the trial of all offenses under this act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Thoes who voted in the affirmative were—

C. W. Anderson, Jr.	A. H. Eversole	Tyler F. Munford
J. Everett Bach	Raymond Eyl	Rodes K. Myers
Rell Bevins	Ferd A. Gnau	Homer Neikirk
F. C. Boyd	C. A. Hale	Luster C. Oxley
C. C. Byrne	S. T. Hamilton	Mel Petry
J. F. Carr	C. L. Hammons	Henry Plum
George S. Clay	Ira W. Hulette	H. O. Porter
H. S. Cleveland	William K. King	Kleber F. Price
T. Fowler Combs	Clyde D. Lester	E. F. Prichard
Herbert Cook	Peter P. Mattingly	Grover C. Ransom
John C. Cornett	C. C. May	Hobart Rayburn
G. Cunningham	M. T. McCarthy	Hubert H. Read
Norman A. Curtis	Elmer McGlothen	Thomas Rigdon
William J. Curtis	J. H. McKinney	William T. Rollo
F. E. Daugherty	G. Samuel Milam	E. A. Rose
L. M. Davisworth	Alton Mitchell	Clarence Rush
Sam Dever	Stanley C. Moebus	Carl Scheben
Forest C. Easley	John B. Mollette	Leon J. Shaikun
Garland Embry	William E. Mull	W. S. Shanklin

Parker Sims	S. J. Wagner	J. D. White
Wm. St. C. Stuart	Cass R. Walden	John M. Williams
A. Frank Tabb	Joe L. Wall	W. G. Williams
W. R. Tapp	Henry Ward	James W. Young
Gabe B. Taylor	H. L. Waterfield	
Erna E. Tyra	R. E. West	—73

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 357. An Act to amend Section 4, Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, by providing for the ad valorem taxation of Distilled Spirits by counties, cities and school districts and providing for a special rate of taxation on such spirits in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4 of Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, be and the same is hereby amended to read as follows:

"§ 4108. Values Certified to Auditor and Clerk.— Immediately after finally fixing such values, the board shall certify to the auditor of public accounts the value of the spirits as assessed for state tax; and said officer shall certi-

fy to the said county clerk of the respective counties, the amount liable for county, city, town or district taxation, and the date, when the bonded period will expire on such spirits. The report shall be by the county clerk filed in his office, and by him certified to the proper collecting officer of the county, city, town or taxing district for collections.

"Said spirits, in addition to the tax thereon for state purposes, shall be taxed for county purposes, school purposes and town and city purposes at the prevailing rates of taxation on tangible personal property in the respective counties, school districts, towns and cities in which such spirits are warehoused or stored; provided, however, that the combined rate of taxation for city purposes and school purposes in cities of the first class shall not exceed one dollar and twenty five cents ($1.25) on each one hundred dollars ($100.00) of assessed value of such spirits."

Mr. Gnau offered the following amendment to said bill, viz:

Amend H. B. 357 by adding thereto the following provision.

In event a referendum is desired upon this Act, then such referendum shall be conducted in all things in the manner provided in Chapter 8 of the Acts of the General Assembly of 1917.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Clyde D. Lester	Joe E. Robinson
J. Everett Bach	D. T. Matlack	William T. Rollo
F. C. Boyd	Peter P. Mattingly	E. A. Rose
C. P. Bradbury	C. C. May	Carl Scheben
C. C. Byrne	Elmer McGlothen	Leon J. Shaikun
J. F. Carr	H. H. McGuire	W. S. Shanklin
George S. Clay	G. Samuel Milam	Parker Sims
H. S. Cleveland	Alton Mitchell	A. Frank Tabb
T. Fowler Combs	Stanley C. Moebus	W. R. Tapp
G. Cunningham	William E. Mull	Gabe B. Taylor
Norman A. Curtis	Tyler F. Munford	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
L. M. Davisworth	Homer Neikirk	Joe L. Wall
Sam Dever	Mel Petry	Henry Ward
Forest C. Easley	Henry Plum	H. L. Waterfield
A. H. Eversole	H. O. Porter	R. E. West
Raymond Eyl	Kleber F. Price	J. D. White
Ferd A. Gnau	Ed F. Prichard	John M. Williams
C. A. Hale	Grover C. Ransom	W. G. Williams
C. L. Hammons	Hobart Rayburn	Lee Roy Wilson
Ira W. Hulette	Hubert H. Read	Terrill A. Wilson
W. H. Hunt	Thomas Rigdon	James W. Young
William K. King	E. S. Robey	—71

Mr. Gnau offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 357 by adding to the title thereof the following:

"permitting of a referendum and fixing the methods thereof"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body entitled:

S. B. 212. An Act repealing, amending and re-enacting Section 2739j-78, Carroll's Kentucky Statutes, 1936 Edition, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739j-78 be and the same is hereby repealed, amended and re-enacted to read as follows:

1. On or before January 1, 1939 and annually thereafter, and as a condition precedent to the use of the highways of the Commonwealth, every operator of a motor vehicle for hire used primarily for the transportation of property shall pay to the Department of Revenue or its agent at Frankfort, for the privilege of using the highways, an annual excise tax equal to one dollar for each hundred pounds, or fractions thereof, of weight of each motor vehicle operated for hire by him, said weight to be the weight of the motor vehicle at the time of the application for the use of the highways of the Commonwealth and when empty and ready for operation. The excise tax imposed by this section shall in each instance be increased fifty (50%) per cent on each motor vehicle for hire not equipped wholly with pneumatic tires. There shall be added to the tax a penalty of twenty (20%) per cent for failure to pay

the tax when the same is due, and, in addition thereto, a penalty of one (1%) per cent for each month, or fraction thereof, the excise tax imposed by this section is in default.

2. Every operator of a motor vehicle for hire upon the payment of the excise tax as provided in the previous section shall cause to be printed or posted on the left side of the cab or hood of each motor vehicle the weight of such motor vehicle when empty and ready for operation in figures at lesat three inches in height and preceded by words or letters indicating that this is the weight of the motor vehicle when empty, and shall display so as to be visible any weight tags furnished by the Director of the Division of Motor Transportation.

3. Each application for the use of the highways upon the payment of the tax herein provided for shall be accompanied by a statement, duly attested before a notary public, to the effect that the motor vehicle was weighed at the time of the making of the application and that the weight stated therein is the true weight of the motor vehicle at such time.

4. In addition to any other penalties now or hereafter imposed, any misrepresentation with respect to the weight of a motor vehicle shall be grounds for the revocation of any per- the Division of Motor Transportation and paying the additional excise tax on the weight by which the weight of the motor vehicle is so increased.

5. After paying the excise tax no operator of a motor vehicle, subject to the provisions of this act, shall increase the weight of a motor vehicle by any other than ordinary repairs without first obtaining the permission of the Director of the Division of Motor Transportation and paying the additional excise tax on the weight by which the weight of the motor vehicle is so increased.

Ordered that said bill be printed and referred

To Committee on Rules.

At the instance of the Committee on Rules, the following bill was reported, viz:

S. B. 212. (For title, see title above)

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 176. An Act amending and re-enacting Section 4072, of Kentucky Statutes, Carroll's edition 1936, relating to advancement of money to defray expenses and partial payment on salaries of the county tax commissioner in counties containing a city of the first class, and repealing conflicting laws.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4072, of the Kentucky Statutes, Carroll's edition 1936, relating to county tax commissioners in counties containing cities of the first class, be amended by striking therefrom after the words "advancement of", the words Five Thousand Dollars, ($5,000.00), and inserting in lieu thereof the words, Five Thousand Five Hundred Dollars, ($5,500.00), so that the said Section 4072 as amended will read as follows, to-wit:

§ 1. In counties containing cities of the first class, the county tax commissioner shall be entitled to receive an advancement of Five Thousand Five Hundred Dollars, ($5,500.00) per month to defray necessary official expenses and partial payment upon the salaries of himself and his deputies

and assistants, and the Auditor of Public Accounts shall on the first of each calendar month draw his warrant on the treasurer in favor of such county tax commissioner for such sum. The sum of such advancements shall be deducted from the total amount found to be due such tax commissioner when yearly settlements are made. Should the tax commissioner in such county die, resign or be removed from office, or should the office of county tax commissioner in such county for any cause become vacant, the sums advanced hereunder shall be deducted from the total sum due for making assessment.

All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Norman A. Curtis	C. L. Hammons
Rell Bevins	Willard Q. Daniel	Ira W. Hulette
F. C. Boyd	F. E. Daugherty	W. H. Hunt
C. P. Bradbury	L. M. Davisworth	William K. King
C. C. Byrne	Sam Dever	Clyde D. Lester
George S. Clay	Forest C. Easley	John Marshall
H. S. Cleveland	Garland Embry	D. T. Matlack
T. Fowler Combs	A. H. Eversole	Peter P. Mattingly
Herbert Cook	Raymond Eyl	C. C. May
John C. Cornett	Ferd A. Gnau	Elmer McGlothen
G. Cunningham	C. A. Hale	H. H. McGuire

G. Samuel Milam	Ed F. Prichard	W. R. Tapp
Alton Mitchell	Grover C. Ransom	Carl M. Taylor
Stanley C. Moebus	Hobart Rayburn	Gabe B. Taylor
John B. Mollette	Hubert H. Read	S. J. Wagner
William E. Mull	Thomas Rigdon	Cass R. Walden
Tyler F. Munford	E. S. Robey	Henry Ward
Rodes K. Myers	Joe E. Robinson	H. L. Waterfield
Alfred A. Naff	William T. Rollo	R. E. West
Homer Neikirk	E. A. Rose	J. D. White
Luster C. Oxley	Carl Scheben	John M. Williams
Mel Petry	Leon J. Shaikun	W. G. Williams
Henry Plum	W. S. Shanklin	Lee Roy Wilson
H. O. Porter	Parker Sims	Terrill A. Wilson
Kleber F. Price	A. Frank Tabb	James W. Young

—75

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 311. An Act providing the manner, method and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said articles not claimed after certain periods of time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall be known as "AN ACT PROVIDING A MANNER, MEANS AND METHOD OF GIVING NOTICE TO ENFORCE COMMON LAW LIEN OF CLEANERS, PRESSERS, DYERS, LAUNDRIES, TAILORS AND STORERS OF ALL GARMENTS, CLOTHING, WEARING APPAREL AND HOUSEHOLD GOODS.

§ 2. SALE OF GARMENTS, CLOTHING, WEARING APPAREL AND HOUSEHOLD GOODS; FOR CHARGES; AFTER 90 DAYS. Any garment, clothing, wearing apparel or household goods remaining in the possesion of a person, firm, partnership or corporation, on which cleaning or pressing or glazing or laundering or washing or alterations or repairs have been made; or on which materials or supplies have been furnished for alterations or repairs; for a period of ninety days or more may be sold to pay the reasonable or agreed charges and costs of notifying the owners or owner. Provided that the person, firm, partnership or corporation to whom the charges are payable shall first notify the owner or owners of the time and place of sale. There is excepted herefrom all property that is to be placed in storage after any of the services or labors, mentioned herein are performed or rendered.

§ 3. STORAGE: SALE OF: AFTER 12 MONTHS. All garments, clothing, wearing apparel or household goods having been placed in storage, or on which any of the services or labors mentioned in the preceeding section of this act have been performed and then placed in storage and remaining in the possession of a person, firm, partnership or corporation without the reasonable or agreed charges having been paid for a period of 12 months, may be sold to pay said charges. Provided that the person, firm, partnership or corporation to

whom the charges are payable, shall first notify the owner or owners thereof of the time and place of sale. Provided, however, that persons, firms, partnerships or corporations operating as warehouses or warehousemen under Kentucky Statutes 4768 to 4814c-3 inclusive shall be excluded from this Act.

§ 4. NOTICE. WHAT IS NOTICE UNDER THIS ACT. 15 DAYS BEFORE SALE. The posting or mailing of a registered letter, with a return address marked thereon, addresed to the owner or owners, at their adress given at the time of the delivery of the article or articles to a person, firm, partnership or corporation to render any of the services or labors as set out in this Act, stating the time and place of sale, shall constitute notice. Said notice shall be posted or mailed at least 15 days before the date of sale. The costs of posting or mailing said letter shall be added to the charges.

§ 5. PROCEEDS OF SALE—HOW DISPOSED OF: The person, firm, partnership or corporation to whom the charges are payable, shall from the proceeds of sale deduct the charges due plus the costs of notifying the owner and shall hold the overplus, if any, subject to the order of the owner and shall immediately thereafter mail to the owner thereof to his address, if known, a notice of the sale, the amount of overplus if any, due him, and at any time within 12 months, upon demand by the owner, pay to the owner said sums or overplus in his hands, if such overplus be unclaimed after 12 months it shall be paid into the State Treasury, and shall be held for a period of 2 years, subject to the order of the owner or his personal representative upon his or their satisfactory proof of rightful ownership.

§ 6. REQUIREMENTS TO COMPLY WITH ACT. All persons, firms, partnerships or corporations taking advantage of this act must keep posted in all prominent place in their receiving office or offices at at all time two notices which shall read as follows: All articles cleaned, pressed,

glazed, laundred, washed, altered or repaired and not called for in 90 days will be sold to pay charges.

All articles stored and charges not having been paid for 12 months will be sold to pay charges.

§ 7. CONSTITUTIONALITY. If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not effect the validity of the remaining sections of this act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	Forest C. Easley	Tyler F. Munford
Rell Bevins	Garland Embry	Rodes K. Myers
F. C. Boyd	A. H. Eversole	Alfred A. Naff
C. P. Bradbury	Raymond Eyl	Homer Neikirk
C. C. Byrne	Ferd A. Gnau	Luster C. Oxley
George S. Clay	C. A. Hale	Mel Petry
H. S. Cleveland	Ira W. Hulette	Kleber F. Price
T. Fowler Combs	W. H. Hunt	Ed F. Prichard
John C. Cornett	William K. King	Grover C. Ransom
G. Cunningham	Clyde D. Lester	Hubert H. Read
Norman A. Curtis	John Marshall	Thomas Rigdon
Willard Q. Daniel	C. C. May	E. S. Robey
F. E. Daugherty	Elmer McGlothen	Joe E. Robinson
L. M. Davisworth	J. H. McKinney	William T. Rollo
Sam Dever	William E. Mull	E. A. Rose

Carl Scheben	Gabe B. Taylor	John M. Williams
Leon J. Shaikun	Erna E. Tyra	W. G. Williams
W. S. Shanklin	S. J. Wagner	Lee Roy Wilson
Parker Sims	Cass R. Walden	Terrill A. Wilson
Wm. St. C. Stuart	Henry Ward	James W. Young
A. Frank Tabb	R. E. West	
W. R. Tapp	J. D. White	—64

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 360. An Act prohibiting counties, cities, school districts, and other taxing districts from conveying property owned by them for the purpose of having the transferee mortgage the same and issue bonds to be secured by such mortgage on the property and any buildings, erections, or improvements thereon.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no county, city, school district or other taxing district, through its governing body, shall convey or be authorized to convey property owned by such county, city, school district or other taxing district to any transferee, whether corporation, company, partnership, person, other taxing district or otherwise, for the purpose of having the transferee to mortgage or create a lien on the property and issue bonds to finance the erection of buildings or other improvements on

that property, or other property owned by such taxing district, such bonds to be secured by the mortgage on the property and any buildings, erections or improvements thereon.

§ 2. Any bonds issued by a transferee from a county, city, school district, or other taxing district in violation of the provisions of Section 1 of this Act shall be absolutely void. Any transfer of property by a county, city, school district or other taxing district in violation of section 1 of this act shall be absolutely void.

§ 3. This act shall not affect any bonds now issued or which may be issued, under the scheme of financing prohibited by Section 1 of this act, before the effective date of this act.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Milam moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Ferd A. Gnau	Kleber F. Price	Henry Ward	
C. A. Hale	Joe E. Robinson	R. E. West	
D. T. Matlack	John C. Robinson		
Tyler F. Munford	William T. Rollo		—10

Those who voted in the negative were—

C. W. Anderson, Jr.	Peter P. Mattingly	Clarence Rush
J. Everett Bach	C. C. May	Carl Scheben
Rell Bevins	T. B. McConnell	W. S. Shanklin
F. C. Boyd	Elmer McGlothen	Wm. St. C. Stuart
J. F. Carr	H. H. McGuire	A. Frank Tabb
George S. Clay	G. Samuel Milam	W. R. Tapp
T. Fowler Combs	Stanley C. Moebus	Carl M. Taylor
Herbert Cook	John B. Mollette	Gabe B. Taylor
John C. Cornett	William E. Mull	Erna E. Tyra
Norman A. Curtis	Alfred A. Naff	S. J. Wagner
Willard Q. Daniel	Homer Neikirk	Cass R. Walden
Sam Dever	Luster C. Oxley	H. L. Waterfield
Forest C. Easley	Ed F. Prichard	J. D. White
C. L. Hammons	Grover C. Ransom	John M. Williams
Ira W. Hulette	Hobart Rayburn	W. G. Williams
W. H. Hunt	Thomas Rigdon	Terrill A. Wilson
William K. King	E. A. Rose	James W. Young

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Mr. Wagner moved that the vote by which said bill was rejected, be reconsidered.

Said motion was disagreed to.

Mr. Myers moved that the House do now adjourn, to meet again on to-morrow at eleven o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 25, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	John M. Hunnicutt	Hubert H. Read
Geo. P. Anderson	W. H. Hunt	Thomas Rigdon
J. Everett Bach	Ben W. Johnson	E. S. Robey
William T. Baker	William K. King	Joe E. Robinson
B. F. Bedford	Clyde D. Lester	John C. Robinson
Rell Bevins	Carl Lyttle	William T. Rollo
F. C. Boyd	D. T. Matlack	E. A. Rose
C. P. Bradbury	Peter P. Mattingly	Clarence Rush
C. C. Byrne	C. C. May	Carl Scheben
J. F. Carr	M. T. McCarthy	Leon J. Shaikun
Leonard Carson	T. B. McConnell	W. S. Shanklin
George S. Clay	Elmer McGlothen	Parker Sims
H. S. Cleveland	H. H. McGuire	Wm. St. C. Stuart
T. Fowler Combs	J. H. McKinney	A. Frank Tabb
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
Norman A. Curtis	John B. Mollette	Erna E. Tyra
William J. Curtis	William E. Mull	S. J. Wagner
Willard Q. Daniel	Tyler F. Munford	Cass R. Walden
F. E. Daugherty	Rodes K. Myers	Joe L. Wall
L. M. Davisworth	Alfred A. Naff	Henry Ward
Sam Dever	Homer Neikirk	H. L. Waterfield
Forest C. Easley	Luster C. Oxley	L. Roger Wells
Garland Embry	Mel Petry	R. E. West
Ferd A. Gnau	H. O. Porter	J. D. White
C. A. Hale	Kleber F. Price	John M. Williams
Ralph Hamilton	Ed F. Prichard	W. G. Williams
C. L. Hammons	Grover C. Ransom	Lee Roy Wilson
Ira W. Hulette	Hobart Rayburn	James W. Young

Mr. Matlack moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

At the hour of eleven o'clock, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

S. B. 194. An Act amending Kentucky Statutes, relating to powers of railroad companies, etc.

Mr. Milam moved that said bill be made a Special Order of the Day, for to-day at two o'clock P. M.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Hunnicutt moved that the House proceed with the regular order of business.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

H. B. 426. An Act providing for the making of direct reduction loans by building and loan associations, incorporated under the laws of Kentucky, defining the rights and obligations of the borrower, and providing for the method of re-paymet of the loans.

S. B. 11. An Act requiring the operators of all vehicles to stop before passing a school bus upon a public highway which shall be stopped for the purpose of receiving or discharging passengers, and providing penalty for violation.

S. B. 18. An Act relating to roads and highways, providing methods of paying for land to be used for rights-of-way.

S. B. 20. An Act establishing as part of the primary system of state highways a road known as the Saben's Mill Road in Barren County.

S. B. 23. An Act establishing as part of the primary system of state highways a road known as the Marcums Mill Road in Metcalfe County.

S. B. 37. An Act to amend section one hundred of the constitution of the Commonwealth of Kentucky so as to permit women to hold public offices.

S. B. 47. An Act to amend and re-enact Section 314 of the Civil Code of Practice, relating to the reversal of judgments by the Court of Appeals.

S. B. 52. An Act amending and re-enacting Section 1649b-3 of Carroll's Kentucky Statutes, Baldwin's Revision, relating to the inadmissibility of confessions obtained by sweating.

S. B. 53. An Act to repeal Section 574 of the Code of Practice in civil cases, Carroll's Civil Code of Practice, Baldwin's 1932 Edition, relating to taking depositions upon interrogatories.

S. B. 54. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

S. B. 56. An Act to repeal and re-enact Section 2043-12, Carroll's Kentucky Statutes, 1930 Edition, Supplement 1933,

the same being Section 12, of Chapter 68 of the Acts of 1930, repealed, amended, and re-enacted by Chapter 54 of the Acts of 1936 and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended;"

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate, etc.

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency, by the board of directors with the consent of the Director of the Division of Banking, providing for the publication of notice of such transfer;

S. B. 60. An Act relating to the compensation of trustees and fiduciaries, by adding after Section 4711 Kentucky Statutes, Carroll's Edition 1930, as amended, a new provision relating to such compensation.

S. B. 71. An Act to amend Section 965-24, Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the Twenty-Fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefor, relating to Circuits Courts.

S. B. 79. An Act to amend and re-enact Section 610 of Carroll's Kentucky Statutes, 1936 Edition, relating to the indebtedness or obligation of a person, company or firm to a trust company;

S. B. 80. An Act to amend and re-enact Section 583 of Carroll's Kentucky Statutes, 1936 Edition, relating to the indebtedness or obligation of a person, company or firm to a bank, the highest amount permitted, certain bills of exchange not included.

S. B. 81. An Act to repeal, amend and re-enact Sections 165a-15 and 586 of Carroll's Kentucky Statutes, 1936 Edition, relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking, reduction of capital and how impairment shall be made good.

S. B. 82. An Act pertaining to banking, and to amend and re-enact Section 595 Carroll's Kentucky Statutes, 1930 Edition, as amended by Chapter 1 of the Acts of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of 1933, and as amended by Chapter 12 of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of 1936, as as to provide to the holders of non-assessable preferred capital stock issued by a bank or trust company or combined bank and trust company exemption from assessment to restore impairment of capital and rights with respect to dividends, etc.

S. B. 83. An Act providing that banks incorporated under the laws of any other state shall not do any business in this Commonwealth, except to lend money;

S. B. 95. An Act amending and re-enacting Section 2242 of Carroll's Kentucky Statutes, 1936 Revision, relating to the compensation of Jury Commissioners.

S. B. 102. An Act to repeal, amend and re-enact Sections 165a-12, 593 and 594 of Carroll's Kentucky Statutes, 1936 Edition, relating to the publication of statement of financial condition of bank, who shall sign statement, and penalty for failure to make or publish report.

S. B. 103. An Act to repeal and re-enact, as amended, Sections 165a-20 Kentucky Statutes, Carroll' Edition 1936, relating to the powers of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, etc.

S. B. 104. An Act to fix the minimum amount of capital of any bank, trust company, combined bank and trust company, and trust, banking and title insurance companies, hereafter organized under the laws of this State, and to clarify any statutory inconsistencies relating thereto;

S. B. 118. An Act amending Chapter 42 of the Acts of the General Assembly of 1936, being Section 4399-3, Carroll's Kentucky Statute, 1936 Edition, relating to independent school districts.

S. B. 119. An Act to amend an Act, entitled an Act to amend an Act, in relation to the Kentucky State Board of Dental Examiners, which Act became effective June 5, 1932, and being Section 2636 with its 23 subsections of Carroll's Kentucky Statutes, and to regulate the practice of dentistry in the State of Kentucky.

S. B. 150. An Act to provide for an enlarged use of the public records of the Commonwealth of Kentucky by providing for an increased distribution of such records to the Library of Congress.

S. B. 155. An Act fixing the time of holding Court in the Sixth Judicial District composed of Daviess, Hancock and McLean Counties, etc.

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against an insured closed institution, of all depoitors, whose deposits have been paid, or for the payment of which funds have been made available;

S. B. 166. An Act providing educational opportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from the General Fund.

S. B. 187. An Act to regulate the caravaning of motor vehicles upon the public highways of this Commonwealth;

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the price of said tobacco sold in the Commonwealth of Kentucky, etc.

S. Res. 33. Resolution authorizing Hiram Brock to file suit against the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 48. Resolution authorizing Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to sue the Commonwealth of Kentucky and/or the State Division of Armories.

S. Res. 35. Resolution authorizing Dora Delph to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 19. Resolution authorizing Lavina Pope to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 34. Resolution authorizing Sanford England to sue Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either or both of them.

S. Res. 21. Resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

S. Rs. 10. Resolution authorizing Eva Jane Pennington by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and/or the Department of Highways.

S. Res. 38. Resolution authorizing C. C. Law to sue the Commonwealth of Kentucky.

S. Res. 26. Resolution authorizing W. H. Housman to sue the Commonwealth of Kentucky and/or the Department of Highways.

S. Res. 17. Resolution authorizing Henry T. McClure to sue the Commonwealth of Kentucky.

S. Res. 16. Resolution authorizing Weldon (Tex) Wallace to sue the Commonwealth of Kentucky.

S. Res. 8. Joint Resolution authorizing Emma J. Young to sue the Commonwealth of Kentucky.

S. B. 201. An Act amending and re-enacting section 4308-3, Carroll's Kentucky Statutes, 1936 Edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 31. Resolution authorizing A. L. Schooler to sue the Commonwealth of Kentucky.

S. Res. 49. Resolution authorizing J. B. Westerfield to sue the Commonwealth of Kentucky and/or the Department of Highways.

S. B. 212. An Act to amend and re-enact Kentucky Statutes relating to transportation for hire of persons and property by motor vehicles.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 364. An Act to repeal, amend and re-enact section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 425 of Carroll's Kentucky Statutes, Bald-

win's 1936 Revision, be and the same is repealed, amended, and re-enacted, so that when so amended and re-enacted shall read as follows:

"Section 425: A constable may appoint one or more deputies, by and with the consent of the county judge, who shall have all the powers of constables, and the constable and his sureties shall be liable on his bond for all the acts and omissions of his deputies; but such deputy constables must be residents of the same districts wherein resides the constables by whom the same are appointed.

"Such deputy constables may be removed, at any time, at the will and pleasure of the constable, for any cause deemed sufficient by such constable, by order of the county court, entered after the filing of a written direction by the constable, so to do."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Herbert Cook	C. L. Hammons
Geo. P. Anderson	G. Cunningham	John M. Hunnicutt
J. Everett Bach	William J. Curtis	W. H. Hunt
Rell Bevins	Willard Q. Daniel	Ben W. Johnson
F. C. Boyd	F. E. Daugherty	William K. King
C. C. Byrne	L. M. Davisworth	Clyde D. Lester
J. F. Carr	Sam Dever	John Marshall
Leonard Carson	Forest C. Easley	D. T. Matlack
George S. Clay	Ferd A. Gnau	Peter P. Mattingly
H. S. Cleveland	C. A. Hale	C. C. May

M. T. McCarthy	Kleber F. Price	A. Frank Tabb
H. H. McGuire	Ed F. Prichard	Gabe B. Taylor
J. H. McKinney	Grover C. Ransom	Erna E. Tyra
G. Samuel Milam	Hobart Rayburn	S. J. Wagner
Alton Mitchell	Thomas Rigdon	Cass R. Walden
John B. Mollette	E. S. Robey	Henry Ward
William E. Mull	Joe E. Robinson	H. L. Waterfield
Tyler F. Munford	William T. Rollo	R. E. West
Alfred A. Naff	Clarence Rush	J. D. White
Homer Neikirk	Carl Scheben	John M. Williams
Mel Petry	W. S. Shanklin	W. G. Williams
H. O. Porter	Parker Sims	James W. Young

—66

Resolved that the title thereof be as aforesaid.

Mr. Petry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 399. An Act relating to revenue and taxation and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. DEFINITIONS.

(a) The term "carnival" as used in this Act shall include all street fairs (except State and county fairs); amusement parks; all shows operated either directly or by concessionaires in two or more separate units, exhibitions, or main side shows; and all such like enterprises where rides, shows, exhibitions, concessions, cane racks or games of kill are operated, and all of which are open to the public generally.

(b) The term "gross receipts" shall include all sums taken in by the owner or proprietor of any carnival, and all sums taken in by any person, firm or corporation to whom the owner or proprietor of a carnival has leased, rented or granted any concession or concessions in conection with the operation of such carnival.

§ 2. An excise tax is hereby imposed upon each person, firm, corporation, fiduciary, joint stock company or syndicate operating a carnival in this State in a sum equal to ten per cent (10 per cent) of the gross receipts.

§ 3. This Act shall be administered by the Department of Revenue and the tax herein provided shall be paid monthly by the owner or proprietor of any carnival to said department and all carnivals shall be subject to the provisions, penalties and regulations as are provided in Chapter 15 of the Acts of the General Assembly, 1936 at its Third Extraordinary Session in, so far as the same are applicable; and the tax herein provided shall be in lieu of all taxes provided for in said Chapter 15 of the said Acts of the General Assembly.

§ 4. EMERGENCY.

Whereas, many carnivals will be in operation before this Act will become effective unless an emergency is declared; and,

Whereas, the State otherwise would be deprived of a large amount of revenue necessary for the maintenance of the State Government, its agencies and subdivisions, an emergency is declared to exist and this Act shall become a law and be effective upon its passage and approval by the Governor.

Mr. Porter moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Clyde D. Lester	E. S. Robey
B. F. Bedford	Carl Lyttle	Joe E. Robinson
Rell Bevins	D. T. Matlack	William T. Rollo
C. P. Bradbury	Peter P. Mattingly	E. A. Rose
J. F. Carr	C. C. May	Clarence Rush
H. S. Cleveland	M. T. McCarthy	Carl Scheben
T. Fowler Combs	H. H. McGuire	Leon J. Shaikun
John C. Cornett	J. H. McKinney	W. S. Shanklin
Norman A. Curtis	G. Samuel Milam	Parker Sims
William J. Curtis	Stanley C. Moebus	Wm. St. C. Stuart
Willard Q. Daniel	John B. Mollette	A. Frank Tabb
F. E. Daugherty	Tyler F. Munford	W. R. Tapp
L. M. Davisworth	Rodes K. Myers	Erna E. Tyra
Forest C. Easley	Homer Neikirk	Henry Ward
Ferd A. Gnau	Luster C. Oxley	R. E. West
C. A. Hale	H. O. Porter	J. D. White
C. L. Hammons	Hobart Rayburn	W. G. Williams
John M. Hunnicutt	Hubert H. Read	James W. Young
Ben W. Johnson	Thomas Rigdon	—56

Those who voted in the negative were—

C. W. Anderson, Jr.	Sam Dever	Gabe B. Taylor
F. C. Boyd	Ira W. Hulette	S. J. Wagner
C. C. Byrne	W. H. Hunt	Cass R. Walden
Leonard Carson	Mel Petry	Joe L. Wall
George S. Clay	Kleber F. Price	John M. Williams
Herbert Cook	Grover C. Ransom	—17

Resolved that the title thereof be as aforesaid—

Mr. Porter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 296. An Act to amend and re-enact Section 979b-10, Carroll's Kentucky Statutes, 1936 edition, being Section 6 of Chapter 30 of the Acts of the General Assembly of 1936, relating to the assignment, compensation and number of probation and parole officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section nine hundred seventy nine b-10 (979b-10), Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) edition, being section 6 of Chapter 30 of the Acts of the General Assembly of 1936, be amended to read as follows:

Probation and parole officers appointed under this Act shall be assigned to serve in such courts or districts as the Director of Probation and Parole may determine. They shall be paid such salaries as the Department of Public Welfare may prescribe not to exceed Eighteen Hundred Dollars per annum and may also be paid traveling and other necessary expenses incurred in the performance of their duties. The total number of Probation and Parole Officers shall not exceed the total number of judicial districts in the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	E. S. Robey
William T. Baker	Ferd A. Gnau	Joe E. Robinson
B. F. Bedford	C. A. Hale	John C. Robinson
Rell Bevins	C. L. Hammons	Carl Scheben
C. P. Bradbury	Ira W. Hulette	W. S. Shanklin
C. C. Byrne	John M. Hunnicutt	Wm. St. C. Stuart
J. F. Carr	W. H. Hunt	A. Frank Tabb
Leonard Carson	Clyde D. Lester	W. R. Tapp
George S. Clay	Peter P. Mattingly	S. J. Wagner
H. S. Cleveland	C. C. May	Joe L. Wall
T. Fowler Combs	J. H. McKinney	Henry Ward
G. Cunningham	G. Samuel Milam	J. D. White
Norman A. Curtis	Tyler F. Munford	John M. Williams
William J. Curtis	Rodes K. Myers	W. G. Williams
Willard Q. Daniel	Luster C. Oxley	James W. Young
F. E. Daugherty	H. O. Porter	
Forest C. Easley	Kleber F. Price	—49

Those who voted in the negative were—

Geo. P. Anderson	T. B. McConnell	Leon J. Shaikun
J. Everett Bach	H. H. McGuire	Parker Sims
F. C. Boyd	Alton Mitchell	Carl M. Taylor
Herbert Cook	Stanley C. Moebus	Gabe B. Taylor
John C. Cornett	William E. Mull	Erna E. Tyra
L. M. Davisworth	Grover C. Ransom	Cass R. Walden
Sam Dever	Hobart Rayburn	H. L. Waterfield
D. T. Matlack	Hubert H. Read	Lee Roy Wilson
M. T. McCarthy	Clarence Rush	—26

Resolved that the title thereof be as aforesaid—

Mr. Joe E. Robinson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 297. An Act relating to the supervision of paroled convicts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A paroled convict with sentence or sentences aggregating not more than five years of imprisonment shall be supervised by the Department of Welfare of the Commonwealth for a period of not less than one year from the date of the parole.

§ 2. A paroled convict with sentence or sentences aggregating more than five years of imprisonment shall be supervised by the Department of welfare of the Commonwealth for a period of not less than two years from the date of the parole.

§ 3. The Department of Welfare may, in its discretion, extend the period of supervision of a paroled convict beyond the minimum prescribed in sections 1 and 2 of this Act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ferd A. Gnau	Joe E. Robinson
J. Everett Bach	C. A. Hale	John C. Robinson
William T. Baker	C. L. Hammons	E. A. Rose
B. F. Bedford	Ira W. Hulette	Clarence Rush
Rell Bevins	John M. Hunnicutt	Carl Scheben
F. C. Boyd	W. H. Hunt	Leon J. Shaikun
C. P. Bradbury	William K. King	Parker Sims
C. C. Byrne	Clyde D. Lester	Wm. St. C. Stuart
J. F. Carr	Peter P. Mattingly	A. Frank Tabb
Leonard Carson	C. C. May	W. R. Tapp
George S. Clay	M. T. McCarthy	Carl M. Taylor
H. S. Cleveland	H. H. McGuire	Gabe B. Taylor
T. Fowler Combs	J. H. McKinney	Cass R. Walden
Herbert Cook	Stanley C. Moebus	Joe L. Wall
John C. Cornett	William E. Mull	Henry Ward
G. Cunningham	Tyler F. Munford	L. Roger Wells
William J. Curtis	Homer Neikirk	R. E. West
Willard Q. Daniel	Mel Petry	J. D. White
F. E. Daugherty	H. O. Porter	John M. Williams
L. M. Davisworth	Grover C. Ransom	W. G. Williams
Sam Dever	Hobart Rayburn	Lee Roy Wilson
Forest C. Easley	Thomas Rigdon	James W. Young
Garland Embry	E. S. Robey	—68

Those who voted in the negative were—

Alfred A. Naff	H. L. Waterfield	—2

Resolved that the title thereof be as aforesaid—

Mr. Joe E. Robinson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 246. An Act relating to chiropractic, amending and re-enacting Chapter 154 of the Acts of the General Assembly of 1932.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 154 of the Session Acts of the General Assembly of 1932, same being Section 8 of Chapter 123 of the Session Acts of the General Assembly of 1928, same relating to Chiropractic, be and the same is amended, and as so amended said Section of said Chapter shall read and be as follows, to wit:

Section 8. LICENSE. Such licensees shall be required to pay an annual renewal fee of three dollars.

All Licenses shall be signed by the president and secretary and shall be attested by the official seal of the Board. Licensees shall file their licenses with the County Clerk of the County in which they reside before practicing, and the said Clerk is directed to record same.

Each and every person who receives a license or who has received a license to practice Chiropractic in Kentucky shall pay to this Board on January First of each year a renewal fee of three dollars: Provided, that satisfactory evidence is presented to the Board that the said licensee in the year preceeding the application for renewal attended the two-day educational programs as approved by the Board and conducted by the Kentucky Association of Chiropractors. The Secretary shall mail renewal notices to each licensee at least thirty days prior to January First of each year, and failure

to pay such renewal fee shall operate as a forfeiture of the right of the licensee to practice his profession in this State: Provided, however, that he may be reinstated by the Board at its discretion upon payment of all fees due.

Mr. Hunnicutt offered the following amendment to said bill, viz:

Amend H. B. 246 by striking out lines 1 to 14 inclusive, and when so amended, shall read as follows, viz:

(1) That Chapter 154 of the Session Acts of the General Assembly of 1932, same being Section 8 of Chapter 123 of the Session Acts of the General Assembly of 1928, same relating to Chiropractic, be and the same is amended, and as so amended said Section of said Chapter shall read and be as follows, to-wit:

Section 8. License. Each and every person who is the holder of a valid and unrevoked license to practice chiropractic in Kentucky shall pay on or before January 1st of each year to the Kentucky State Board of Chiropractic Examiners the sum of six dollars ($6.00) as a license renewal fee, and failure by such person to pay said fee shall operate as a forfeiture of the right to practice in this state. Such persons may, however, be re-instated by the Board upon payment of all fees due.

The secretary of said Board shall mail renewal notices to each licensee at least thirty days prior to January 1st of each year. All licenses and renewal of licenses issued in compliance with the terms of this Act shall be signed by the president and secretary of said Board and shall be attested by the official seal.

All licensees shall file a copy of their licenses with the county clerk of the county in which they reside before practicing, and the said clerk is directed to record same, and shall be allowed a fee not to exceed twenty-five cents.

The said Board shall appropriate one-half of each re-

newal fee collected, to the Kentucky Association of Chiropractors Incorporated, if in existence, for the purpose of establishing a yearly educational program, approved by said Board, which may be attended by all licenses.

Said amendment was agreed to.

Mr. Hunnicutt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	F. E. Daugherty	G. Samuel Milam
B. F. Bedford	L. M. Davisworth	William E. Mull
F. C. Boyd	Sam Dever	Tyler F. Munford
C. C. Byrne	Forest C. Easley	Rodes K. Myers
Leonard Carson	Ferd A. Gnau	Alfred A. Naff
H. S. Cleveland	C. A. Hale	Luster C. Oxley
T. Fowler Combs	John M. Hunnicutt	H. O. Porter
Herbert Cook	W. H. Hunt	E. F. Prichard
John C. Cornett	Clyde D. Lester	Grover C. Ransom
G. Cunningham	Peter P. Mattingly	Hobart Rayburn
William J. Curtis	C. C. May	Thomas Rigdon
Willard Q. Daniel	M. T. McCarthy	E. S. Robey

Joe E. Robinson	Wm. St. C. Stuart	Henry Ward
John C. Robinson	A. Frank Tabb	H. L. Waterfield
Leon J. Shaikun	W. R. Tapp	W. G. Williams
W. S. Shanklin	S. J. Wagner	James W. Young
Parker Sims	Joe L. Wall	—50

Those who voted in the negative were—

Geo. P. Anderson	Alton Mitchell	Carl Scheben
J. Everett Bach	Stanley C. Moebus	Carl M. Taylor
Rell Bevins	Homer Neikirk	Gabe B. Taylor
J. F. Carr	Kleber F. Price	Erna E. Tyra
Ira W. Hulette	Hubert H. Read	Cass R. Walden
H. H. McGuire	E. A. Rose	L. Roger Wells
J. H. McKinney	Clarence Rush	Lee Roy Wilson
		—21

Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 345. An Act to regulate the practice of professional engineering; creating a State Board of Registration for

Professional Engineers; defining its powers and duties; imposing certain duties upon the State and political subdivisions there of in connection with public work; and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *General Provisions*—That in order to safeguard life, health, and property, any person practicing of offering to practice professional engineering, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this State, professional engineering as defined in the provisions of this Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly registered under the provisions of this Act.

§ 2. *Definitions—Engineer*—The term engineer as used in this Act shall mean a professional engineer as hereinafter defined.

Professional Engineer. The term professional engineer as used in ths Act shall mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering as hereinafter defined.

Engineering—The term engineering as used in this Act shall mean professional engineering as hereinafter defined.

Professional Engineering—The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, or operation, in connection with any public or

private utilities, structures, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional servce requires the application of engineering principles and data.

Practice in Kentucky—The practice of professional engineering in Kentucky is hereby defined to include all professional services defined under "Professional Engineering" above together with the negotiation or solicitation for engineering work on any project within the boundaries of this state, regardless of whether the persons engaged in such practice are residents of Kentucky or have their principal office or place of business in this or any other state or country, and regardless of whether such persons are performing one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

Act Inapplicable to Certain Operators, Etc.—The practice of professional engineering shall neither include the work ordinarily performed by persons who operate or maintain machinery or equipment, such as locomotive, stationary, marine or power plant operators, nor such work embraced within the practice of land surveying.

Board—The term "Board" as used in this Act shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

§ 3. *Board—Appointments—Terms*—A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this Act. The Board shall consist of five professional engineers, who shall be appointed by the Governor and shall have the qualifications required by Section 4. The members of the first Board shall be appointed within ninety days after the passage of this Act, to serve for the following terms: One member for one year, one member for two years, one member for three years,

and two members for four years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of four years a registered professional engineer, having the qualifications required by Section 4, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. At no time shall more than two members be appointed from the faculties of the Engineering Colleges of the Commonwealth. The Dean of the College of Engineering of the University of Kentucky shall be an ex officio member of the Board.

§ 4. *Board—Qualifications*—Each member of the Board shall be a citizen of the United States and a resident of this State for five years and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work, provided that at no time shall more than two members whose qualifications are based on responsible charge of engineering teaching, be appointed to the Board. All members of the Board shall be registered Professional Engineers.

§ 5. *Compensation and Expenses*—Each member of the Board shall receive the sum of not more than Ten Dollars ($10.00) per diem when actually attending to the work of the

Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Act.

§ 6. *Removal of Members—Vacancies*—The Governor may remove any member of the Board for any cause which he deems sufficient. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

§ 7. *Board—Organization and Meetings*—The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually the following officers: A Chairman, a Vice-Chairman, and a Secretary-Treasurer. A quorum of the Board shall consist of not less than three members, but action shall not be deemed to have been taken upon any question unless there are at least three (3) votes in accord.

§ 8. *Board—Powers*—The Board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal.

In carrying into effect the provisions of this Act, the Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirma-

tions to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

§ 9. *Receipts and Disbursements* — The Secretary-Treasurer of the Board shall receive and account for all moneys collected under the provisions of this Act, and shall pay the same into the State Treasury monthly between the first and tenth of each month, to be credited to a revolving fund as provided in Section 14, Article 3 of the Budget and Financial Administration Act of 1934; and the amount so collected and paid into the State Treasury during each of the fiscal years ending June 30, 1939 and June 30, 1940, hereby is appropriated for the use and benefit of said Board. The withdrawal and use of said funds shall be in the manner authorized by said Budget and Financial Administration Act of 1934, and the "Governmental Reorganization Act" of 1936. The Board shall be subject to the provisions of Section 8, of Article 16 of said Reorganization Act.

The Secretary-Treasurer shall give a surety bond to the Board in such sum as the Board may determine. The premium on said bond shall be required as a proper necessary expense of the Board. The Secretary-Treasurer of the Board shall receive such salary as the Board shall determine, in addition to the compensation and expenses provided for in Section 5. The Board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may

make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the Board's delegates to National Conventions of, and membership dues to, the National Council of State Boards of Engineering Examiners or other affiliated National Boards or Societies. Under no circumstances is the Board authorized to contract any debt or incur any expense, which together with the expenses and compensation provided for in this Act, shall in the aggregate, exceed the amount of funds derived under the provisions of this Act.

§ 10. *Records and Reports*—The Board shall keep a record of its proceedings and a register of all applications for registration which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, as of June 30, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and Secretary-Treasurer.

§ 11. *Roster*—A roster showing the names and places of business of all registered professional engineers shall be published by the Secretary of the Board during the month of July of each year. Copies of this roster shall be mailed to

each person so registered, placed on file with the Secretary of State, and furnished to the public upon request.

§ 12. *General Requirements for Registration*—The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to-wit:

(a) *Graduation Plus Experience*—Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the Board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering); or

(b) *Examination Plus Experience*—Successfully passing a written, or written and oral, examination, designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

(c) *Engineers of Long Established Practice*—A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty years of age.

Character—No person shall be eligible for registration as a professional engineer, who is not of good character and reputation. The conviction on any felonious charge or having at any time been legally proven mentally incompetent shall make any applicant ineligible under this section.

Teaching Credits—In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

Education Credits—The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Section 12, (1) b. Graduation in a curriculum other than engineering from a college or University of recognized standing may be considered as equivalent to two years of experience in Section 12 (1) b; provided; however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

Work as Contractor—The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice in professional engineering.

Non-Practicing Applicants—Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Corporations Cannot Register—The practice of engineering is a professional service, admission to which shall be determined upon a basis of individual, personal qualifications. No firm, company, partnership or corporation can be registered.

Liability of Representatives of Non-Registered Persons—It shall be hereafter unlawful for any person, firm or corporation to avoid, or seek to avoid, the provisions of this Act by having a representative or employee seek engineering work in their behalf, or for them, unless, and until such persons have duly qualified and become registered; otherwise

both those represented and representative, the employer and employee, shall be deemed equally guilty of violation of this Act. Solicitation of engineering work shall be construed as offering to practice professional engineering and it shall be unlawful for any but registered engineers to do so.

§ 13. *Applications and Registration Fees*—Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be not to exceed twenty-five dollars ($25.00), not to exceed fifteen dollars ($15.00), of which shall accompany application, the remainder to be paid at such time or times as may be determined by the Board. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be not to exceed ten dollars ($10.00).

Should the Board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

§ 14. *Examinations*—When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the exminations and the methods of pro-

cedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration in professional engineering. A candidate failing on examinations may apply for re-examiation at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examinations will be granted upon payment of a fee to be determined by the Board.

§ 15. *Certificate—Seals*—The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. The Board shall be authorized to designate the various recognized branches of professional engineering and to classify the applicant in the branch or branches in which he is qualified to practice. The certificate shall authorize the practice of "professional engineering" in the branch or branches granted. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary-Tresurer of the Board under seal of the Board.

The issuance of a certificate of registration by this Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Professional Engineer." Plans, specifications, plats, and reports approved by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal

any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

§ 16. *Expirations and Renewals*—Certificates of registration shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless removed. It shall be the duty of the Secretary-Treasurer of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewals may be effected at any time during the month of June by the payment of a fee not to exceed ten dollars ($10.00). The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Registrants failing to renew certificates within one year after expiration shall be required to furnish the Board with satisfactory evidence that they are of good character and reputation and have continued to uphold the ethics of the profession. If the evidence submitted is unsatisfactory to three (3) or more members of the Board the Certificate of Registration will not be renewed.

§ 17. *Practitioners at Time Act Became Effective*—At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee not to exceed fifteen dollars ($15.00) for professional engineers, the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satis-

factory to the Board that he is of good character, has been a resident of the State of Kentucky for at least one year immediately prior to the effective date of this Act, and was practicing professional engineering at the time this Act became effective, and has performed work of a character satisfactory to the Board.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 19 thereof.

§ 18. *Public Work*—After the first day of May, one thousand nine hundred and thirty-nine, it shall be unlawful for this State or for any of its political sub-divisions, such as a county, city, town, township, or borough to engage in the construction of any public work involving professional engineering, unless the plans, specifications, and estimates have been prepared and the construction executed under the direct supervision of a registered professional engineer or a registered architect: provided, that nothing in this Section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars ($2,000.00); and also provided, that nothing in this section shall be held to apply to the maintenance or repair of any existing state or county highway. Nothing in this Act shall be construed as excluding a registered architect from such engineering practice as may be incident to the practice of his profession; or as excluding a professional engineer registered under the provisions of this Act, from such architectural practice as may be incident to the practice of professional engineering.

§ 19. *Reciprocity*—The Board may, upon application therefor, and the payment of a fee not to exceed ten dollars ($10.00), issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registra-

tion, or of any State or Territory or Possession of the United States, or of any Country, provided that the requirements for the registration of professional engineers under which said Certificate of Qualification or Registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Section 12 of this Act. The Board shall have the power to set up all rules and regulations governing the matter of reciprocity with other states and countries.

§ 20. *Revocations*—The Board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with Secretary-Treasurer of the Board.

All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, three or more members of the

Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer.

Reissuance of Certificates—The Board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the Board vote in favor of such re-issuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of not to exceed three dollars ($3.00) shall be made for such issuance.

Appeals—Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the Circuit Court held in Frankfort, Ky., and, after full hearing, said Court shall make such decree sustaining or reversing the action of the Board as to it may seem just and proper.

§ 21. *Violations and Penalties*—Any person who shall practice, or offer to practice, professional engineering in this State without being registered in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board, or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person, firm, or corporation who shall furnish free engineering services as a part of any other contract so drawn as to defeat the spirit of this Act, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five

hundred dollars ($500.00), or suffer imprisonment for a period not exceeding three months, or both.

The Board, or such person or persons designated by the Board, is empowered to prefer charges for any of the above violations in any Circuit Court of the state. When such charges have been properly brought it shall be the duty of the of the Commonwealth's Attorney of any Circuit Court District to enforce the provisions of this Act and to prosecute any person violating the same. The Attorney General of the State, or his assistant, shall act as legal advisor of the Board and render such legal assistance as may be necessary in carrying out the provision of this Act. The Board may, at its discretion, employ such other legal assistance as it may deem necessary.

§ 22. *Saving Clause*—This Act shall not be construed to prevent or to affect:

(a) *Other Professions or Trades*—The practice of any other legally recognized profession or trade; or

(b) *Employees and Subordinates*—The engaging in engineering as a pupil of, or under the direction of a registered professional engineer, provided that said practice may not include responsible charge of design or supervision as principal; or

(c) *Government Officers and Employees*—The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government; or

(d) Nothing in this Act shall be construed as requiring registration for the purpose of practicing professional engineering by an individual, firm or corporation on property owned or leased by said individual, firm or corporation unless the same involves the public safety or public health; or for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(e) An engineer engaged solely as an officer or em-

ployee of a privately owned public utility; or as an officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress, entitled "An Act to Regulate Commerce" approved Frebruary 4, one thousand eight hundred and eighty-seven as amended; or

(f) The practice of any elective officer of the State, County, or other political subdivision while carrying out the duties of the office to which he was elected.

§ 23. *Quarters*—Suitable office quarters shall be provided by the Board at its own expense.

§ 24. *Invalid Section*—If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Section of this Act.

§ 25. *Repeal of Conflicting Legislation*—All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby, repealed.

§ 26. Short Title—This Act may be cited as "The Engineering Act of 1938".

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. P. Bradbury	F. E. Daugherty
J. Everett Bach	C. C. Byrne	L. M. Davisworth
Rell Bevins	J. F. Carr	Forest C. Easley
F. C. Boyd	John C. Cornett	Garland Embry

Ferd A. Gnau	Rodes K. Myers	Leon J. Shaikun
C. L. Hammons	Homer Neikirk	Parker Sims
W. H. Hunt	Luster C. Oxley	Wm. St. C. Stuart
William K. King	H. O. Porter	A. Frank Tabb
Clyde D. Lester	Kleber F. Price	Carl M. Taylor
Carl Lyttle	Grover C. Ransom	Erna E. Tyra
Peter P. Mattingly	Hobart Rayburn	Cass R. Walden
Elmer McGlothen	Thomas Rigdon	H. L. Waterfield
H. H. McGuire	E. S. Robey	J. D. White
G. Samuel Milam	Joe E. Robinson	John M. Williams
Alton Mitchell	William T. Rollo	James W. Young
Stanley C. Moebus	E. A. Rose	
Tyler F. Munford	Carl Scheben	—49

There voted in the negative—

Clarence Rush —1

Resolved that the title thereof be as aforesaid—

Mr. Daugherty moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 387. An Act to repeal, amend and re-enact Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby repealed, amended

and re-enacted so that when amended and re-enacted the same shall read as follows:

RETIREMENT AFTER FIFTEEN YEARS; PENSION.

Any member of the police or fire department of such cities, having served twenty (20) years or more and consecutively for the last five years of said twenty years; or any person who has served fifteen years and consecutively for the the last five years of said fifteen years, who may have become so disabled as to render him unfit for such service, on proof of such disability may make application to be relieved from duty in said department and, upon it becoming established that his petition is founded upon conditions which reasonably entitle him to such leave, the Board of Trustees shall order and direct that such person be paid a monthly pension equal to one-half of the amount of the salary he is, or was, in receipt of as a member of such department.

It is further provided that the benefits provided for in this Act shall accrue to any person who, within the twelve months immediately preceding the adoption and approval of this Act, has been forced to retire from such service by reason of disability.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	John C. Robinson
J. Everett Bach	Ben W. Johnson	William T. Rollo
William T. Baker	Carl Lyttle	E. A. Rose
Rell Bevins	D. T. Matlack	Clarence Rush
F. C. Boyd	Peter P. Mattingly	Carl Scheben
C. P. Bradbury	C. C. May	Leon J. Shaikun
C. C. Byrne	Elmer McGlothen	W. S. Shanklin
J. F. Carr	H. H. McGuire	Parker Sims
Leonard Carson	G. Samuel Milam	Wm. St. C. Stuart
T. Fowler Combs	Alton Mitchell	A. Frank Tabb
Herbert Cook	Stanley C. Moebus	W. R. Tapp
John C. Cornett	William E. Mull	Carl M. Taylor
Norman A. Curtis	Rodes K. Myers	Gabe B. Taylor
Willard Q. Daniel	Homer Neikirk	Cass R. Walden
F. E. Daugherty	Luster C. Oxley	Henry Ward
L. M. Davisworth	H. O. Porter	H. L. Waterfield
Sam Dever	Kleber F. Price	L. Roger Wells
Forest C. Easley	Ed F. Prichard	R. E. West
Garland Embry	Grover C. Ransom	John M. Williams
Archie Eversole	Hobart Rayburn	W. G. Williams
C. A. Hale	Hubert H. Read	Lee Roy Wilson
C. L. Hammons	Thomas Rigdon	Terrill A. Wilson
Ira W. Hulette	E. S. Robey	James W. Young
John M. Hunnicutt	Joe E. Robinson	

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Resolved that the title thereof be as aforesaid—

Mr. Hulette moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their

management and control, the election and qualifications of directors of corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 551 Kentucky Statutes be repealed and re-enacted so that when so amended and re-enacted it will read as follows:

The affairs of each corporation shall be managed by a board of not less than three directors, each of whom shall own in his right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. All elections for directors shall be by ballot, and shall be held in this state; and, in the first instance, the directors shall be elected at a meeting held before the corporation is authorized to commence business, and thereafter at an annual meeting of the stockholders to be held on the day named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held, and notice of any change shall be given to each stockholder twenty days before the election is held; and if, for any cause, an election is not held on the day named in the by-laws, a special meeting for that purpose shall be called within thirty days thereafter, or which due notice shall be given to each stockholder, in person or by letter mailed to his last known address. A stockholder may vote at any meeting by proxy, in writing, signed by him, and attested in such manner as the by-laws may prescribe; and a vacancy in the board of directors shall be filled by the board; and the directors so appointed shall hold office until the next annual election, provided that if the directors are divided into classes in the manner set out herein, the directors so appointed shall hold office for the remainder of the

term of the directors they are appointed to succeed. The directors of any corporation may, by a vote of the stockholders, be divded into one, two or three classes, the term of office of those of the first class to expire at the annual election next ensuing, of the second class one year thereafter, of the third class two years thereafter; and at each annual election held after such classification, directors shall be chosen for two or three years, as the case may be, to succeed those whose terms expire. But each director of a banking, trust or insurance company, or building and loan association, must own in his own right five shares of capital stock, and a majority of them must be residents of Kentucky during their term of office: Provided, however, That in the case of an insurance company, such company may, by by-laws, require that each director own a greater number of shares of stock than five and may, by by-law, require that such qualifying shares be deposited with the treasurer of the company: Provided further, That the above-mentioned clause, declaring that all elections for directors shall be by ballot, and shall be held in this state, shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which tuition to students is free.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Rell Bevins	C. P. Bradbury
William T. Baker	F. C. Boyd	C. C. Byrne

J. F. Carr	Elmer McGlothen	E. A. Rose
John C. Cornett	H. H. McGuire	Clarence Rush
Norman A. Curtis	G. Samuel Milam	Carl Scheben
F. E. Daugherty	Alton Mitchell	Leon J. Shaikun
L. M. Davisworth	Stanley C. Moebus	Parker Sims
Sam Dever	William E. Mull	Wm. St. C. Stuart
Forest C. Easley	Tyler F. Munford	A. Frank Tabb
Garland Embry	Rodes K. Myers	W. R. Tapp
A. H. Eversole	Homer Neikirk	Gabe B. Taylor
Ferd A. Gnau	Luster C. Oxley	Cass R. Walden
C. L. Hammons	Kleber F. Price	R. E. West
John M. Hunnicutt	Ed F. Prichard	J. D. White
W. H. Hunt	Grover C. Ransom	John M. Williams
William K. King	Thomas Rigdon	W. G. Williams
Carl Lyttle	E. S. Robey	Terrill A. Wilson
D. T. Matlack	Joe E. Robinson	James W. Young
Peter P. Mattingly	John C. Robinson	
C. C. May	William T. Rollo	—58

Those who voted in the negative were—

Ben W. Johnson	H. O. Porter	Erna E. Tyra

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Resolved that the title thereof be as aforesaid—

Mr. Norman Curtis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the hour of two o'clock P. M. that being the hour for the Special Order of the Day,

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 194. An Act to amend subdivision 1 of Article V of Chapter 32 of the Kentucky Stautes by the inclusion therein

of a new section, 768-a, to be inserted after Section 768, in Carroll's Kentucky Statutes, Baldwin's Revised Edition, 1930, to extend the powers of railroad companies so as to authorize railroad companies (1) to engage in the business of transporting persons and property as common carriers by motor vehicles on the highways and by aeroplanes in the air, and (2) to purchase or lease the property, rights and franchises of any individual, firm or corporation engaged in motor vehicle or air transportation, to subscribe to or otherwise acquire the capital stock of any motor carrier or air company and to make any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged in motor vehicle or air transportation.

Said bill is as follows, viz:

Be in enacted by the General Assembly of the Commonwealth of Kentucky:

That subdivision 1 of Article V of Chapter 32 of Carroll's Kentucky Statutes, Baldwin's 1930 Revision, be and the same is amended by adding thereto a new section, 768-a, to follow Section 768, and to read as follows:

"Section 768-a. In addition to the powers now conferred upon railroad companies, every such company heretofore or hereafter created under the laws of this State shall have the power and right (1) to engage in the business of a common carrier for the transportation of persons and property by motor vehicles operated upon the highways and by aeroplanes in the air, and (2) to purchase or lease the property, rights and franchises of any individual, firm or corporation engaged in transportation of persons and property by motor vehicles upon the highways or by aeroplanes in the air, and to subscribe to or otherwise acquire the capital stock of any such corporation, or make any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged or authorized to engage in either of said methods of

transportation; provided, however, that all railroad companies exercising in this State the powers herein granted shall, in their operation of motor vehicles, be deemed common carrier operators of such vehicles and be subject to all the laws of this State applicable to, or authorizing, regulating and governing, such motor carriers and their business, or prescribing the conditions under which common carrier operators of motor vehicles may operate such vehicles upon the highways of this State. All railroad companies organized under the laws of other States, but authorized to do business in this State may exercise in this State the powers hereinabove granted to companies organized under the laws of this State, subject, to the limitations hereinabove set forth."

Mr. Milam moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. McGuire moved that said bill be laid on the Clerk's desk.

Said motion was disagreed to.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the thtird time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ira W. Hulette	Grover C. Ransom
Geo. P. Anderson	W. H. Hunt	Hobart Rayburn
J. Everett Bach	William K. King	Hubert H. Read
William T. Baker	Clyde D. Lester	Thomas Rigdon
Rell Bevins	Carl Lyttle	Joe E. Robinson
F. C. Boyd	John Marshall	John C. Robinson
C. C. Byrne	D. T. Matlack	Carl Scheben
Leonard Carson	Peter P. Mattingly	W. S. Shanklin
George S. Clay	M. T. McCarthy	Parker Sims
H. S. Cleveland	Elmer McGlothen	Wm. St. C. Stuart
T. Fowler Combs	J. H. McKinney	W. R. Tapp
Herbert Cook	G. Samuel Milam	Carl M. Taylor
Norman A. Curtis	John B. Mollette	S. J. Wagner
Willard Q. Daniel	Tyler F. Munford	Cass R. Walden
L. M. Davisworth	Rodes K. Myers	Joe L. Wall
Forest C. Easley	Alfred A. Naff	Henry Ward
Garland Embry	Homer Neikirk	L. Roger Wells
A. H. Eversole	Luster C. Oxley	R. E. West
Ferd A. Gnau	Mel Petry	J. D. White
C. A. Hale	Kleber F. Price	W. G. Williams
C. L. Hammons	Ed F. Prichard	James W. Young

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Those who voted in the negative were—

B. F. Bedford	C. C. May	William T. Rollo
C. P. Bradbury	T. B. McConnell	E. A. Rose
J. F. Carr	H. H. McGuire	Leon J. Shaikun
G. Cunningham	Stanley C. Moebus	H. L. Waterfield
William J. Curtis	William E. Mull	John M. Williams
John M. Hunnicutt	E. S. Robey	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. McKinney moved that the Rules of this House be suspended and that the vote by which a bill entitled:

H. B. 58. An Act relating to containers used in trade and repealing Sec. 1279, 1279a-3, 1279a-4, 1279a-5 and 1279a-6 of Carroll's Kentucky Statutes, 1930,

With amendments thereto as adopted by the House on February 23 and February 18,

Was rejected

Be reconsidered.

Said motion was agreed to.

(For bill with amendments thereto as adopted by the House, see House Journal of February 23 and February 18)

Thereafter such reconsideration, Mr. Bradbury offered the following amendments to said bill, viz:

11. Amend H. B. 58 on page 1, Section 1, line 1, 2, 3 and 4 by striking out all of Section 1, lines 1, 2 and 3.

12. Amend H. B. 58 on page 5, after sec. 7 line 7 by adding section 8 which shall read as follows: All laws and parts of laws in conflict with this act are hereby repealed to the extent of such conflict.

Said amendments were each agreed to.

Mr. Myers offered the following amendment to said bill, viz:

13. Amend H. B. 58 by adding the following new section:

This Act shall not apply to milk bottles purchased from a person, firm or corporation where the bottles have been

manufactured at the time of the effective date of this Act, such bottles bearing the name or trademark of some extinct dairy.

Said amendment was agreed to.

Mr. Bradbury moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Sam Dever	J. H. McKinney
Geo. P. Anderson	A. H. Eversole	G. Samuel Milam
William T. Baker	Ferd A. Gnau	Stanley C. Moebus
B. F. Bedford	C. A. Hale	William E. Mull
Rell Bevins	C. L. Hammons	Tyler F. Munford
C. P. Bradbury	John M. Hunnicutt	Rodes K. Myers
C. C. Byrne	W. H. Hunt	Homer Neikirk
T. Fowler Combs	William K. King	Luster C. Oxley
Herbert Cook	Clyde D. Lester	Mel Petry
G. Cunningham	Carl Lyttle	H. O. Porter
Norman A. Curtis	D. T. Matlack	Kleber F. Price
Willard Q. Daniel	Peter P. Mattingly	Ed F. Prichard
F. E. Daugherty	C. C. May	Grover C. Ransom
L. M. Davisworth	H. H. McGuire	Hobart Rayburn

Thomas Rigdon	W. S. Shanklin	Joe L. Wall
E. S. Robey	Parker Sims	Henry Ward
Joe E. Robinson	Wm. St. C. Stuart	J. D. White
William T. Rollo	A. Frank Tabb	W. G. Williams
Clarence Rush	W. R. Tapp	Terrill A. Wilson
Carl Scheben	Gabe B. Taylor	
Leon J. Shaikun	Cass R. Walden	—61

Those who voted in the negative were—

J. Everett Bach	Ben W. Johnson	Carl M. Taylor
J. F. Carr	John Marshall	Erna E. Tyra
Leonard Carson	M. T. McCarthy	H. L. Waterfield
John C. Cornett	Elmer McGlothen	R. E. West
Garland Embry	John B. Mollette	Lee Roy Wilson
Ira W. Hulette	E. A. Rose	—17

Mr. Bradbury offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 58 by striking out the whole of the title thereof before the enacting clause and inserting in lieu thereof, the following:

An Act relating to containers used in the Dairy Industry providing for the registration of such containers, the names and trade-marks used thereon. Providing how and in what manner such containers so registered may be legally used. Prescribing punishment for the illegal use, possession and/or sale of such containers and repealing all laws or parts of laws in conflict with this act.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Bradbury moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 141. An Act to amend Sec. 733 of the Kentucky Statutes, Carroll's edition of the year 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, to authorize such companies to invest in such securities etc.

H. B. 158. An Act authorizing the Governor and the administrative departments and independent agencies of the Commonwealth of Kentucky to apply for, receive and expend any Federal funds so received; etc.

Ordered that said bills be delivered to the Enroling Clerk of this House.

And that they had passed bills which originated in that body entitled:

S. B. 48. An Act to amend Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 be and the same is hereby amended and re-enacted by adding to the first sentence thereof the following words: "and for the maximum length of time during which the defendant might have been imprisoned under the law; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not

have violated any term or condition so imposed," so that when said section is amended and re-enacted the same shall read as follows:

"§ 1. What prisoners may be put upon probation. In prosecutions for crime, in the Circuit Courts of this state, except as hereinafter provided, where the defendant has pleaded or been found guilty, and the defendant has never before been convicted of a felony, either in this state or elsewhere, and it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and that the public good does not demand or require that he shall suffer the penalty imposed by law, such court may postpone the rendition of judgment or if rendered, suspend the same on such terms and conditions as the court deems proper, and for the maximum length of time during which the defendant might have been imprisoned under the law or in misdemeanor prosecutions five years; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not have violated any term or condition so imposed. Whenever in the opinion of the court the sentence should no longer be postponed, the court shall have power to cause a warrant to issue for the defendant and he may thereupon on his arrest be sentenced and such sentence carried into immediate execution."

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending, and reenacting Kentucky Statutes §3883, Carroll's Edition 1930.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Kentucky Statutes §3883, Carroll's Edition 1930, be and is hereby repealed, and that the same be amended

by changing the compensation allowed to an executor, administrator or curator, appointed under the laws of Kentucky, by providing for a different basis of compensation, and clarifying the existing law, so that said section, when reenacted, shall read as follows:

The compensation of an executor, administrator or curator, for services as such, shall not exceed five per cent (5%) of the value of the personal estate of the decendent plus five per cent (5%) of the income collected by the executor, administrator or curator for the estate. Provided, however, that upon proof submitted showing that an executor, administrator or curator has performed additional services in the administration of the decendant's estate, which additional services have been either (a) unusual or extraordinary and not normally incident to the administration of a decedent's estate, or (b) performed in connection with real estate or performed in connection with estate and inheritance taxes claimed against property not a part of the decedent's estate, but included therein for the purpose of asserting such taxes, then the Court may allow to the executor or administrator such additional compensation as would be fair and reasonable for the additional services rendered.

All laws or parts of laws in conflict herewith are hereby repealed.

S. B. 69. An Act to repeal and re-enact Sub-section One of Section One thousand one hundred and thirty-seven (1137-1) of Kentucky Statutes, Carroll's edition of 1936, being chapter One hundred and sixty-three (163) of the Acts of the General Assembly of 1920, relating to the death penalty for the crime of rape.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section one of section one thousand one hundred and thirty-seven (1137-1) of the Kentucky Statutes, Carroll's

edition of 1936, being chapter 163 of the Acts of the General Assembly of 1920, be and the same is hereby repealed, and re-enacted to read as follows:

"That from and after the period that this law shall take effect the mode of the execution of a death sentence must in every case be by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible, and the application of such current must be continued until the condemned is dead.

All executions of the death penalty by electrocution shall take place within the walls of the state penitentiary, hereafter indicated by the Board of Prison Commissioners, and in such enclosure as will exclude public view thereof."

S. B. 72. An Act to amend Section 733 of the Kentucky Statutes, Carroll's edition of the year 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, to authorize such companies to invest in such securities as domestic insurance companies (other than life) are authorized by law to invest their capital, surplus, and accumulations in, and to enter into agreements to protect the interest of such companies in securities lawfully held by them, to foreclose on property pledged to them, to participate in the reorganization of any corporation whose securities they hold, and to accept and retain securities distributed pursuant to a plan of reorganization of any such corporation, to the same extent as domestic insurance companies (other than life) are authorized by law to do.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 733 of the Kentucky Statutes, Carroll's edition of the year 1930, being Section 9 of Chapter 99 of the Acts of the General Assembly of the year 1894, as amended by Chapter 117 of the Acts of the General Assembly of the year

1902, and as further amended by Chapter 19 of the Acts of the General Assembly of the year 1926, be, and the same hereby is, amended and reenacted, so that said section, as amended and reenacted, shall read as follows:

"The capital stock, not exceeding thirty-three and one-third per centum of the minimum amount thereof, of any such corporation organized under this law, or now doing business in this state, may be invested in the acquisition of such books, maps, abstracts, or copies of deeds and other instruments as shall be necessary or convenient for the transaction of its business; and such portions of its accumulations as shall be necessary or convenient may be used in maintenance, enlargement, and improvement of such plant. The remainder of such stock and accumulation shall be invested, except as hereinafter provided, in bonds and mortgages, lien notes or deeds tucky, or any other State in the United States, worth at least thirty-three and one-third per centum more than the sum loaned thereon, but in estimating the value of such real estate, of trust, on unencumbered real estate within the State of Kenthe value of the buildings thereon shall be continued in force as long as the loan continues; also in such bonds, notes, warrants, debentures, equipment securities, and other evidences of indebtedness, and in such preferred and common stocks, and warrants evidencing the right to subscribe therefor, as domestic insurance companies (other than life) are authorized by the laws of this Commonwealth to invest their capital, surplus and accumulations in; also to enter into agreements for the purpose of protecting the interest of such real estate title insurance corporation in securities lawfully held by it, to foreclose on property lawfully mortgaged or pledged to it, to participate in the reorganization of any corporation whose securities are lawfully held by it, and to accept and retain any securities distributed pursuant to a plan for the reorganization of any such corporation, to the same extent as domestic insurance companies (other than life) are authorized to do under the laws of this Commonwealth; and to subscribe for,

acquire and hold stock in any corporation or corporations engaging in the business of title insurance or taking mortgages on real estate or any business of a similar or kindred nature, provided that such stock be acquired and paid for out of any surplus or accumulations belonging to any corporation organized under this act, but no part of its capital stock shall be used for such purpose.

"Said capital and surplus may be invested in or loaned on the security of such bonds, stocks, lien notes, mortgages or debenture bonds, secured by and respecting the beneficial interest in any such bonds, stocks, lien notes or mortgages, and the investments or loans herein authorized may be changed and the proceeds reinvested as occasion may from time to time require and the evidences of such investments or loans may be sold and the payment thereof endorsed or guaranteed.

"No such corporation shall own more than one-sixth of the capital of any bank or corporation, except as otherwise provided herein; nor invest in nor loan on the stock and bonds, both included, of any one railroad, more than one-tenth of its capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds; and no such corporation chartered by this State, and lawfully doing business herein authorized, shall be compelled to change any investment heretofore legally made. Provided, however, that no corporation organized under this subdivision and having a paid-in capital stock and surplus of less than five hundred thousand dollars, shall invest any part of such stock or accumulation in bonds, mortgages, lien notes or deeds of trust on real estate without the State of Kentucky."

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from Six Thousand Five Hundred Dollars ($6,500.00), to Ten Thousand ($10,000) Dollars.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be, and the same is hereby amended and re-enacted to read as follows:

That after the expiration of the term of the present incumbent, the compensation in full of the Governor shall be Ten Thousand Dollars ($10,000), per annum to be paid monthly out of the Treasury.

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes, 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1893d-9, 1893d-10 and 1893d-11 of the Carroll's Kentucky Statutes, be repealed, amended and re-enacted so that when so amended will read as follows:

1893d-9. Number and size of fish which may be taken.—No person shall take, or catch, or have in his possession more than ten (10) black bass, nor more than ten (10) trout, nor more than fifteen (15) rock bass or "goggle eye" nor more than fifteen (15) crappie, nor more than fifteen (15) jack salmon or wall eyed pike nor more than fifteen (15) striped bass in any one day, nor take, nor have in his possession any black bass, nor nor trout under eleven (11) inches in length, nor any crappie under eight (8) inches in length; provided, however, that any person having fished two days in succession may have in possession a total not to exceed twenty (20) black bass, or trout, thirty (30) rock bass or "goggle eye," or thirty (30)

crappie, or thirty (30) jack salmon or wall eyed pike, or thirty (30) striped bass.

1893d-10. Seining for minnows permitted.—It shall be lawful for any person or persons to take from the public waters of this State minnows to be used for bait for fishing with pole and line, hand line, set lines or trot lines with minnow seine. Said seine shall not be more than ten feet in length, four feet in width or height with mesh not larger than a quarter of an inch. Minnows, within the meaning of this act, shall be all fish under six inches in length, except bass, rock bass, or goggle eye, trout, crappie, jack salmon or wall eyed pike, or striped bass.

1893d-11. Sale of certain fish prohibited.—It shall be unlawful to sell or offer for sale in this state any small mouth black bass, large mouth black bass, crappie or jack salmon or wall eyed pike, or striped bass.

S. B. 170. An Act to amend and re-enact Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and hereby is amended and re-enacted, so that the same when thus re-enacted, shall read as follows, to-wit:

Every bank organized and doing business under the laws of this state shall be subject to the inspection of the Director of the Division of Banking of the Department of Business Regulation. Such Director shall personally or by the Assist-

ant Director of the Division of Banking or a state bank examiner visit each bank and examine the cash, bills, collateral, securities, other assets, books of accounts, and all other papers and books of such bank. On such examination inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the actions of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws of this state have been complied with in the administration of its affairs, and as to such other matters as the Director may deem necessary. Such examination shall be made of every bank at least once every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with the laws relating to banks, or a regulation of the Division of Banking of the State Department of Business Regulation.

The Director of the Division of Banking, the Assistant Director, and every state bank examiner shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank; and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being examined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the Division of Banking nor the examiner conducting any examination shall impart any information obtained by him during such examination, except as far as may be necessary in the performance of his official duty as provided by law; and except such Division of Banking may furnish to and exchange information and reports with officials and/or Examiners of any other properly authorized supervisory authorities, state

or fedeal, including the Federal Deposit Insurance Corporation and the Reconstruction Finance Corporation, and the duly accredited representatives thereof. Provided, that any bank or trust company or combined bank and trust company which shall become a member of a federal reserve bank created and organized under the act of Congress known as the federal reserve act, shall be subject to the examination required under the term of the said federal reserve act, and the Director of the Division of Banking may, in his discretion, accept examinations made by the federal reserve authorities in lieu of examinations made under the laws of this Commonwealth; and the Director is further authorized and directed to furnish to the federal reserve agent of the district in which such member bank may be situated, copies of reports and examinations made of such member bank.

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, combined banks and trust companies, and trust, banking and title insurance companies organized under the laws of this State.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas National banks doing business in Kentucky cannot be subjected to a license tax by any city or municipality, it is hereby enacted that no city or municipality in the Commonwealth of Kentucky, anything in their respective charter powers to the contrary notwithstanding, shall have the power to impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this State.

All laws and parts of laws in conflict herewith are hereby repealed.

S. B. 175. An Act to amend Section 5 of Chapter 27 of an act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, be amended by adding Subsections 3 and 4, reading as follows:

"Subsection 3; Any fraternal benefit Society authorized to do business in this State, which shall accumulate and maintain the reserves on all certificates hereafter issued, required by the American Experience Table of Mortality, with Craig's or Buttolph's extension thereof, or the Standard Industrial Table of Mortality, with an interest assumption of not more than four per centum per annum, or some higher standard, may accept members at such ages, and children under sixteen years of age, in such manner and upon such showing of eligibility, and issue to its members and to children under sixteen years of age such forms of certificates in such amounts and payable to such beneficiaries as its Constitution and Laws may authorize. Children under sixteen years of age shall have no voice or vote."

"Subsection 4; All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict."

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority, and acquired in satisfaction of

loan indebtedness to it, without first having obtained the consent of said supervising authority.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person or officer of the Commonwealth of Kentucky or any subdivision thereof, shall institute or prosecute proceedings to escheat real property the title to which was acquired by lending corporations in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment for any such debt in its favor, where said lending corporations are under the supervision of the Division of Banking of the Commonwealth of Kentucky, Comptroller of Currency of the United States, or any other duly constituted supervising banking authorities, state or federal, without first obtaining the consent of the supervising authority having supervision over the lending corporation.

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6, (2) relating to Confederate pensions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 42, Acts 1932, page 322, now Section 415b-6(2) of the 1936 Edition, Carroll's Kentucky Statutes, be amended and re-enacted, so that when so re-enacted, it will read as follows:

That any confederate veteran who has been an actual bona fide resident of this State continuously since January 1, 1907, and who did actual military service in the confederate army from the date of his enlistment to the close of the war or until he was honorably discharged as an officer or private

soldier or sailor in the military and naval service of the confederate states of America in the war of 1861 and 165, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death and who has not remarried again since the death of her veteran husband shall be paid out of the state treasury the sum of thirty ($30.00) dollars per month upon proof of the fact according to forms and regulations prescribed by this act and conditions therein; Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war, or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this act as though he had served until the close of the war, or until honorably discharged; and, provided further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this act unless he be re-enlisted or returned to the service in the confederate army, and served until the close of the war, or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service.

S. B. 205. An Act providing for the escheat to the Commonwealth of the bank deposits, other deposits, dividends, stocks, bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and the proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All bank deposits, deposits of money, stocks, and

bonds made to secure payment for services rendered, loans made, and against possible damage or harm, dividends, stocks, bonds, and all moneys, credits, and claims for moneys and credits, and all intangible personal property whatsoever held within this Commonwealth by any corporation, company, partnership, agency or person, whether as bailee, trustee, receiver, executor, or administrator, the last known owner of which is not known to be living, and has not been heard of for eight years, and no account can be given of said owner, his heirs, devisees, or distributees, such person shall be presumed to have died without heirs, devisees or distributees and the said property shall vest in the Commonwealth of Kentucky, and shall be delivered or paid to the Department of Revenue, or if not so paid or delivered may be recovered by the Commonwealth by an action in equity.

§ 2. The Department of Revenue is hereby authorized to require state and national banks, corporations, companies, partnerships, agencies, and persons in this Commonwealth to make reports of all property held by them, whether as bailee, trustee, executor, administrator, or receiver, the last known owner of which is not known to be living and has not been heard of for a period of five years or more, and who is not known to have relatives who would be his heirs or distributees if such owner were dead and, the last known address of such owner.

The Department of Revenue, through the Commissioner, agents and employees thereof, is also authorized to examine all records of such state and national banks, corporations, companies, partnerships, agencies, and persons where there is reason to believe that there has been or is a failure to report property which should be reported under the provisions of this act.

For each failure to make a report or to permit an examination of records as is provided in this section a penalty of one hundred dollars is hereby imposed, and the same be

recoverable by appropriate action instituted by the Commissioner of Revenue in the name of the Commonwealth.

§ 3. A corporation, company, partnership, agency, or person who shall transfer to the Department of Revenue of the Commonwealth of Kentucky, property to which the Commonwealth of Kentucky is entitled under the provisions of section one of this act is hereby relieved of any liability to the rightful owner of such property for such transfer.

Provided that if any corporation, company, partnership, agency or person cannot be relieved of liability by the provisions of this section, the Commonwealth of Kentucky shall reimburse such corporation, company, partnership, agency or person for liability to the rightful owner of property incurred by reason of compliance with the provisions of section 1 of this Act. Claims for such reimbursement shall be filed with the Commissioner of Revenue, who may, with the written consent of the Attorney General, approve such claim and certify same for payment in the same manner that other claims against the Commonwealth are paid.

§ 4. All suits to enforce the transfer of property under the provisions of section one of this act shall be instituted by by the Attorney General of the Commonwealth of Kentucky on relation of the Commissioner of Revenue.

§ 5. All property received by the Department of Revenue under the provisions of section one of this act shall be deposited in the State Treasury to be held in trust for the rightful owner or owners thereof. All stocks, bonds, and other such evidences of indebtedness shall be delivered by the Treasurer to the Commissioner of Revenue and shall be sold by the Commissioner of Revenue, at public sale in Frankfort, to the highest responsible bidder. The sale shall be advertised in at least one issue of a newspaper published in the state, having a state-wide circulation, said notice to appear at least seven days before the date fixed for the sale. After deducting the cost of advertising of the sale, the balance of the

proceeds shall be paid into the State Treasury and credited to the general expenditure fund.

§ 6. After the receipt of property by the Department of Revenue any claimant or claimants of the property may file his or their claim before the Commissioner of Revenue. Said claim shall be in writting and shall state the facts on which the same is based and affidavits of responsible persons in support thereof. The Commissioner of Revenue may, with the written consent of the Attorney General, approve such claim and certify same for payment in the same manner that other claims against the Commonwealth are paid.

§ 7. A claimant, whose claim has been rejected by the Department of Revenue, may file suit in the Franklin Quarterly Court of the Franklin Circuit Court against the Commonwealth of Kentucky, through its agent, the Commissioner of Revenue, for the payment of money or the return of property claimed. The suit shall be governed by the rules governing ordinary suits for claims for money or for the return of property in the respective courts and upon a final judgment for the payment of money or the return of the property, the appropriate official shall draw his warrant on the Treasurer for the payment of the money or the return of property.

§ 8. All moneys, and the poceeds from the sale of all property, which have escheated to the State, whether under the provisions of this act or any other act relating to the escheat of property, shall be paid into the Treasury of the Commonwealth of Kentucky, and credited to the general expenditure fund.

S. B. 208. An Act to enable cities of the second, third, fourth and fifth class, and counties containing a city of such class of the Commonwealth to acquire land for aviation fields, providing that such cities and counties may acquire such lands within their corporate limits or anywhere in the county in

which the city is located, for aviation fields and to establish and equip the same airports: and authorizing cities and counties to use, operate and control the same for the benefit of such cities and counties and the inhabitants thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 12, Section 1, of the Acts of 1930 General Assembly (now Section 2741q, Kentucky Statutes) be repealed, amended and re-enacted to that when so amended and re-enacted said section shall read as follows:

§ 1. That any city of the second, third, fourth and fifth class and any county containing such city within this Commonwealth be and it is hereby authorized and empowered to acquire, either by leasing, purchase, gift or condemnation in the same manner as park property is acquired any and all land necessary or suitable for establishing aviation fields and airports in any city, or in the county in which such city is situated, and the county may acquire same anywhere within its territorial boundaries, and they are further authorized and empowered to erect, equip, operate and maintain on such land such buildings, equipment, runways and other furnishings as may be necessary, incidental to or proper or desirable for the establishment and maintenance of such aviation fields and airports. Such cities and counties, for the purpose of the purchase of said aviation fields and the equipment, establishment and maintenance of same as airports and other matters and purposes provided herein may expend out of any funds in their hands such money as may be necessary, and may maintain same out of their funds to the extent that they are authorized to maintain public parks in such cities and counties, and said aviation fields and airports are authorized as public parks of such cities and counties.

In the event any such city or county shall have purchased

or leased land for airport purposes, as above set out, and shall desire to have a responsible person, association or corporation operate such property in order to assure more successful and proper operation, then, the governing body of any such city or county may lease, assign or sub-lease the whole or any part of any such airport or municipal field for aviation purposes to one or more responsible persons, associations or corporations jointly or severally for any purpose directly or incidentally and necessarily required for the successful and proper operation of such property upon terms as shall insure fair, financial return to the lessee and impartial operation thereof and rendition of services and conveniences thereon. The lessee may be granted in said lease exclusive fees for commercial and schooling services together with exclusive concessions for equiment used on said field.

S. B. 210. An Act to amend and re-enact Chapter 4 of the Acts of the General Assembly of Kentucky of One Thousand nine hundred twelve, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit; 165a-23, and to declare the legislative intent of said act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, be amended by adding at the end thereof another section, being Section 165a-23, which new section shall read as follows, to-wit: That nothing herein contained shall prevent the Banking and Securities Commissioner, at any time from entering into any litigation now pending in the Courts of this Commonwealth and filing his answer therein, consenting that said litigation proceed as if he had instituted said action as Banking and Securities Commissioner of the State of Kentucky and waving

any failure to file notice or request demanding that said action be prosecuted by him.

Ordered that said bills be printed and referred

To Committee on Rules.

At the instance of the Committee on Rules, the following resolution was introduced, viz:

By Mr. Wells.

H. Res. 83. Resolution, authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, one Hoyt Hedges was employed as a laborer by Fayette County in said County's quarry and while in the course of his employment and in the performance of the duties on or about the 25th. day of October 1937, fell through the floor in the loading platform at said quarry, and,

WHEREAS, said quarry is owned, operated and maintained by Fayette County and the Fiscal Court of Fayette County and as a direct result of injuries received in said fall, the said Hoyt Hedges died thereafter on December 13, 1937;

NOW, in order to determine by judicial action the question of the negligence of said County and its fiscal court and its employees in the premises;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of said Hoyt Hedges be, and he is, hereby empowered and authorized to institute and prosecute a civil action for damages, and sue Fayette

County, Kentucky, and Fiscal Court of said County, for wrongful injury and death of Hoyt Hedges and to determine the liability, if any, of said County and its fiscal court.

Said action may be brought within one year from the date of the passage of this resolution in the Fayette Circuit Court, for such injury and death and medical, surgical, ambulance, hospital and burial expence, and loss to said estate by reason of the destruction of the power of Hoyt Hedges to labor and earn money.

Ordered that said resolution be printed and referred

To Committee on Rules.

A message was received from the Senate, announcing that they had passed a bill which originated in that body, entitled:

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition relating to the purchase, location and relocation of rights of way by the State Highway Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition be and the same is hereby amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

Section 4356t-7. Rights of way, condemnation; acquirement of private roads. No portion of the cost of acquiring any necessary land or right of way, except a temporary right of way, nor any part of any damages incurred, awarded or paid, shall be paid out of the state road fund or road and bridge fund, but all cost of acquiring any necessary land or

right of way and any damages incurred, awarded or paid shall be paid by the county out of its general fund or out of funds voted and held by the county or its duly appointed and qualified road commissioners for the purpose of improving or constructing, either or both, the roads and bridges of the county, except however, that after any highway has been located by the State Highway Commission and right of way procured by the county and accepted by the highway commission, then any additional right of way required by the said State Highway Commission by reason of change or relocation in said highway, may be acquired by the State Highway Commission and the purchase price be paid out of the state funds. The state highway commission is hereby authorized to institute any proceeding in the county court of the county where the land lies to have any right of way, temporary or permanent, condemned and the damages assessed. They may institute such suit or proceeding in the name of the Commonwealth, and the county attorney shall represent it. They shall have the power to agree with any landowner as to the value of the right of way and if the agreement reached is approved by the county attorney the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and a record of said agreement shall be spread upon the records of the county court. Any landowner may donate a right of way across his land for any road herein designated and shall execute a deed to the state highway commission for the use and benefit of the State of Kentucky for such right of way. Condemnation proceedings may be tried at a special term of the county court called for the purpose after due notice has been given the owner and claimant of the land sought to be condemned.

The state highway commission shall have the right and it is hereby authorized and empowered to make agreements and contracts with the owners of private surfaced roads necessary to be incorporated in this system of state highways,

where the owners are individuals or corporations, for the transfer and taking over of all the rights and interests of such private owners, for use and a part of this system of state highways; and they may agree upon the price and cost to be paid for such interest in such roads by the approval of the county judge and county attorney in each county in which such roads are located; and upon receipt of their certificate of such transfers and the total cost for same the state auditor shall draw his warrant upon the treasurer for payment of the amount so certified.

And said state highway commission may institute such condemnation or other legal proceedings in the oroper courts as they may deem necessary for the taking over of such roads and interests of private owners therein. Or, if, in their judgment, they shall deem it best, they may procure the right of way, as hereinbefore provided, for, adjacent to, and alongside of such surfaced roads, crossing the same from one side to the other when he deems proper.

And nothing in this act contained shall be construed to mean that the state or federal government shall pay for any interest that any county may own in such roads, or that any county shall pay for this interest owned by individuals or corporations in such roads.

Ordered that said bill be printed and referred

To Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 244. An Act repealing, amedning and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739g-13, Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

Whenever an automobile that has been previously registered changes ownership, the registration plates shall remain upon such automobile as a part thereof until the expiration of the registration year; subject, however, to the following provisions:

1. No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year.

2. No person shall sell or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

3. No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipts for registration fee for the current year, endorsed as provided for above.

4. Upon such change of ownership, the purchaser, as the applicant for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain, and the purchaser shall accompany same with a transfer fee of fifty cents (50c), for which the clerk shall issue a receipt bearing the same data and information as is required on the original receipt, except the change in name or address. For his services hereunder the purchaser shall pay the clerk a fee of twenty five cents (25c). Said purchaser shall have in his possession a receipt showing such transfer before said auto-

mobile shall be operated upon any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future use as such he shall be relieved of the duty of transferring registration by the immediate delivery of registration plates, endorsed receipt and second copy of bill of sale to the clerk, whereupon the clerk shall immediately return said plates, receipt, and copy of bill of sale to the Department of Revenue, and for these services the purchaser shall pay the clerk the sum of twenty-five cents (25c).

§ 2. That section 2739g-65, Baldwin's 1936 edition of Carroll's Kentucky Statutes, providing penalties for violations of certain statutes relating to motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

(a) Any person violating the provisions, or any of them, of sections 2739g-2, 2739g-3, 2739g-4, 2739g-5, 2739g-6, 2739g-7, 2739g-8, 2739g-9, 2739g-10, 2739g-11, 2739g-12, 2739g-13, 2739g-14, 2739g-22, 2739g-23, 2739g-24, 2739g-25, 2739g-26, 2739g-27, 2739g-28, 2739g-29, 2739g-30, 2739g-31, 2739g-32, 2739g-33, 2739g-34, 2739g-35, 2739g-36, 2739g-37, 2739g-38, 2739g-39, 2739g-40, 2739g-41, 2739g-42, 2739g-43, 2739g-44, 2739g-45, 2739g-46, 2739g-47, 2739g-48, 2739g-49, 2739g-50, 2739g-51, 2739g-57, 2739g-61, and 2739g-62, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense.

(b) Any person violating the provisions, or any of them, of sections 2739g-53, 2739g-54, 2739g-55, 2739g-56, 2739g-59, and 2739g-60, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than two thousand dollars ($2,000.00), or by imprisonment in the county jail for not ex-

ceeding one year, or both by such fine and imprisonment within or to the maximum of both.

(c) The above subsections (a) and (b) shall not be construed in any way as relating to the penalty fixed by section 2739g-58 of this act.

Mr. Myers offered the following amendment thereto by way of Substitute therefor, viz:

SUBSTITUTE FOR HOUSE BILL NO. 244

An Act repealing, amending and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That section 2739g-13, Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

Whenever an automobile that has been previously registered changs ownership, the registration plates and container shall remain upon such automobile as a part thereof until the expiration of the registration year; subject, however, to the following provisions:

1. No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year. The copy of the registration receipt shall be visable at all times in the drivers' compartment. Said copy shall be carried in a container that will protect same and that may be removed only by mutilation of said registration receipt and without injury or destroying said container.

2. No person shall sell or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

3. No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipts for registration fee for the current year, endorsed as provided for above.

4. Upon such change of ownership, the purchaser, as the applicant for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain and the purchaser shall accompany same with a transfer fee of fifty cents (50c) for which the clerk shall issue a receipt bearing the same data and information as is required on the original receipt, except the change in name or address. For his services hereunder the purchaser shall pay the clerk an additional fee of fifty cents (50c). Said purchaser shall have in his possession a receipt showing such transfer before said automobile shall be operated upon any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future use as such he shall be relieved of the duty of transferring registration by the immediate delivery of registration plates, and endorsed receipt and second copy of bill of sale to the clerk, whereupon the clerk shall immediately return said plates, receipt and copy of bill of sale to the Department of Revenue, and for these services the purchaser shall pay the clerk the sum of fifty cents (50c). The Department of Revenue shall furnish all necessary blanks and supplies for carrying out the provisions of this Act; said supplies and equipment to be paid for out of the general funds received by the State for the annual licensing of automobiles.

Sec. 2. That section 2739g-65, Baldwin's 1936 edition of Carroll's Kentucky Statutes, providing penalties for viola-

tions of certain statutes relating to motor vehicles, be repealed, amended and re-enacted, and when so amended and reenacted shall read as follows:

(a) Any person violating the provisions, or any of them, of sections 2739g-2, 2739g-3, 2739g-4, 2739g-5, 2739g-6, 2739g-7, 2739g-8, 2739g-9, 2739g-10, 2739g-11, 2739g-12, 2739g-13, 2739g-14, 2739g-22, 2739g-23, 2739g-24, 2739g-25, 2739g-26, 2739g-27, 2739g-28, 2739g-29, 2739g-30, 2739g-31, 2739g-32, 2739g-33, 2739g-34, 2739g-35, 2739g-36, 2739g-37, 2739g-38, 2739g-39, 2739g-40, 2739g-41, 2739g-42, 2739g-43, 2739g-44, 2739g-45, 2739g-46, 2739g-47, 2739g-48, 2739g-49, 2739g-50, 2739g-51, 2739g-57, 2739g-61, and 2739g-62, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense.

(b) Any person violating the provisions, or any of them, of sections 2739g-53, 2739g-54, 2739g-55, 2739g-56, 2739g-59 and 2739g-60, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than two thousand dollars ($2000.00), or by imprisonment in the county jail for not exceeding one year, or both by such fine and imprisonment within or to the maximum of both.

(c) The above subsections (a) and (b) shall not be construed in any way as relating to the penalty fixed by section 2739g-58 of this act.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being

engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Hobart Rayburn
Geo. P. Anderson	Ira W. Hulette	Hubert H. Read
William T. Baker	John M. Hunnicutt	E. S. Robey
B. F. Bedford	W. H. Hunt	Joe E. Robinson
Rell Bevins	William K. King	William T. Rollo
F. C. Boyd	Clyde D. Lester	E. A. Rose
C. P. Bradbury	Peter P. Mattingly	Clarence Rush
C. C. Byrne	C. C. May	Carl Scheben
J. F. Carr	M. T. McCarthy	W. S. Shanklin
Leonard Carson	Elmer McGlothen	Parker Sims
George S. Clay	H. H. McGuire	Wm. St. C. Stuart
H. S. Cleveland	G. Samuel Milam	A. Frank Tabb
T. Fowler Combs	Alton Mitchell	Carl M. Taylor
Herbert Cook	Stanley C. Moebus	Gabe B. Taylor
John C. Cornett	John B. Mollette	S. J. Wagner
G. Cunningham	Tyler F. Munford	Cass R. Walden
Norman A. Curtis	Rodes K. Myers	Joe L. Wall
William J. Curtis	Homer Neikirk	Henry Ward
Willard Q. Daniel	Luster C. Oxley	H. L. Waterfield
F. E. Daugherty	Mel Petry	L. Roger Wells
L. M. Davisworth	Henry Plum	J. D. White
Sam Dever	H. O. Porter	John M. Williams
Forest C. Easley	Kleber F. Price	W. G. Williams
Garland Embry	Ed F. Prichard	Lee Roy Wilson
A. H. Eversole	Grover C. Ransom	Terrill A. Wilson

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Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 199. An Act to repeal, amend, and re-enact Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the County Tax Commissioner—maximum fees and allowance for deputies.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted, and will read as follows:

The county tax commissioner shall, after he has returned his assessment books to the county court clerk, present to the county court his account verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eight per cent (80%) of the amount due the county tax commissioner, based upon his assessment. When a copy of said order of allowance is presented to the auditor of public accounts, he shall draw his warrant in favor of the county tax commissioner for the amount so approved and allowed. When the county board of supervisors has completed its work and the same has been certified to the state tax commission showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the matter now provided by law, and upon certification to the auditor of public accounts of the balance due, the auditor shall

draw his warrant, payable to the county tax commissioner for the remaining twenty per cent (20%) due for the services required of him by law, which shall be based on the total value of the assessment made by him as finally equalized by the county board of supervisors as follows: Five cents on the one hundred dollars of the first million and two cents on each one hundred dollars of the excess over one million. Ten cents for each poll listed shall be allowed and paid by the fiscal court of of the money derived from the collection of county poll taxes, but no county tax commissioner shall be entitled to receive more than four thousand dollars for his services during any year. Provided that the allowance of ten cents per poll listed shall not be applicable to any commissioner during his present term.

In counties in which the assessed value of property exceeds twenty million dollars ($20,000,000) the the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars ($1,500.00) for each seven and one-half million dollars ($7,500,000.00) of property which may be assessed in excess of twenty million dollars ($20,000,000); provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars ($7,000.00) in any county, except in a county having a city of the first class and in such county the present law shall remain in force. The counties shall allow to the county tax commissioner for assistance fifteen hundred dollars ($1,500.00) in any county assessing more than thirty-five million dollars ($35,000,000) in taxable property. In counties where the assessment does not exceed one million dollars ($1,000,000) the county tax commissioner shall be paid six cents (6c) on the one hundred dollars ($100.00) of the entire property listed. In counties containing a city of the second class on the first of April, one thousand nine hundred and twenty-two, and the first of each calendar month thereafter, the auditor of public accounts shall draw his warrant upon the treasurer for three hundred dol-

lars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Said Substitute is as follows, viz:

An Act to repeal, amend, and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted, so that when repealed, and re-enacted it shall read as follows:

The county tax commissioner shall, after he has returned his assessment books to the county court clerk, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty per cent (80%) of the amount due the county tax commissioner, based upon his assessment. When a copy of said order of allowance is presented to the Department of Finance, it shall, upon approval by the Department

of Revenue, authorize payment of the county tax commissioner for the amount so approved and allowed. When the county board of supervisors has completed its work and the same has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner now provided by law, and upon approval by the Department of Revenue of the balance due the Department of Finance shall authorize payment to the county tax commissioner for the remaining twenty per cent (20%) due for the services required of him by law, which shall be based on the total value of the assessment made by him as finally equalized by the county board of supervisors as follows: Five cents (5c) on the one hundred dollars ($100.00) of the first million dollars ($1,000,000) and two cents (2c) on each one hundred dollars ($100.00) of the excess over one million dollars ($1,000,000). Ten cents (10c) for each poll listed shall be allowed and paid by the fiscal court out of the money derived from the collection of county poll taxes, but no county tax commissioner shall be entitled to receive more than four thousand dollars ($4,000) for his services during any year. Provided, that the allowance of ten cents per poll listed shall not be applicable to any commissioner during his present term.

In counties in which the assessed value of property exceeds twenty million dollars ($20,000,000) the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars ($1,500) for each seven and one-half million dollars ($7,500,000) of property which may be assessed in excess of twenty million dollars ($20,000,000); provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars ($7,000) in any county except in a county having a city of the first class and in such county the present law shall remain in force. The coun-

ties shall allow to the county tax commissioner for assistance fifteen hundred dollars ($1,500) in any county assessing more than thirty-five million dollars ($35,000,000) in taxable property. In counties where the assessment does not exceed one million dollars ($1,000,000) the county tax commissioner shall be paid six cents (6c) on the one hundred dollars ($100.00) of the entire property listed. In counties containing a city of the second class on the first of April, one thousand nine hundred and twenty-two, and the first of each calendar month thereafter, the Department of Finance shall authorize payment for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Provided, however, that the tax commissioner of any county may obligate and spend any of the compensation earned by him over and above that actually used in compensating himself and his deputies and assistants as herein provided, or over and above that herein authorized as the maximum compensation for himself, his deputies and assistants, for the purchase of any maps, lists, charts, materials, supplies or equipment which is necessary to the proper assessment of property in the county, and not required by law to be furnished by the county, the fiscal court thereof, or the State; provided, however, that such purchases may be made only with the approval of the Department of Revenue. Upon approval of such expenditures by the Department of Revenue,

the necessity of such expenditures shall not be questioned, provided compensation earned under the provisions of the law is adequate during any fiscal year to meet, firstly, the compensation of the county tax commission, his deputies and assistants, and secondly, all obligations arising from such purchases, provided, further, that any maps, lists, charts, materials, supplies or equipment so purchased shall become the property of the county, to be used by the encumbent tax commissioner and his successor as provided by law or prescribed by the Department of Revenue.

Section 4042a-10 of Carroll's Kentucky Statutes, 1930 Edition, is hereby repealed, amended and re-enacted to read as follows:

4042a-10.—A reduction of fifty cents (50c) shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation or report without authority of law, and one dollar ($1.00) for each duplicate assessment. Provided, however, that the reduction of fifty cents (50c) herein provided for failure to list or report for taxation shall not apply to any list which a county tax commissioner may secure and file with the Department of Revenue for the taxpayer, as provided in Chapter 21 of the Fourth Extraordinary Session of 1936 General Assembly of Kentucky.

The county tax commissioner shall be liable on his bond for all deductions authorized by law to be made for duplicated or omitted lists. After the sheriff has made his final settlement with the Auditor of Public Accounts (Department of Revenue after the first Monday of January, 1940) for the year, the sheriff shall report on oath to the fiscal court at their next term a list of all persons, with their taxable property, so far as is known to him, who were omitted by county tax commissioner, also the names of any persons duplicated by the county tax commissioner, and it shall be the duty of the fiscal court to certify such lists to the Department of Revenue

for appropriate action, as provided by law. A duplicate copy of such list shall also be certified by the fiscal court to the county tax commissioner, who is hereby authorized to secure listings of such property without incurring a reduction in compensation.

Mr. Tapp offered the following amendment to said Substitute, viz:

Amend the Committee Substitute for H. B. 199 on page 2, line 26 by adding after the word "listed" in line 26 on page 2, and before the word "shall" in line 26, on same page the following words: where there is only a poll list, and no taxable property listed there"

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Mr. Tapp moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows,

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ira W. Hulette	Hobart Rayburn
J. Everett Bach	John M. Hunnicutt	Hubert H. Read
William T. Baker	W. H. Hunt	Thomas Rigdon
Rell Bevins	Ben W. Johnson	Joe E. Robinson
F. C. Boyd	Clyde D. Lester	William T. Rollo
C. P. Bradbury	Peter P. Mattingly	E. A. Rose
C. C. Byrne	C. C. May	Clarence Rush
Leonard Carson	M. T. McCarthy	Carl Scheben
George S. Clay	Elmer McGlothen	W. S. Shanklin
H. S. Cleveland	H. H. McGuire	Parker Sims
T. Fowler Combs	J. H. McKinney	Wm. St. C. Stuart
Herbert Cook	Alton Mitchell	A. Frank Tabb
John C. Cornett	Stanley C. Moebus	W. R. Tapp
G. Cunningham	John B. Mollette	Carl M. Taylor
William J. Curtis	Tyler F. Munford	Gabe B. Taylor
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Homer Neikirk	Joe L. Wall
L. M. Davisworth	Luster C. Oxley	Henry Ward
Sam Dever	Mel Petry	H. L. Waterfield
Forest C. Easley	Henry Plum	L. Roger Wells
Garland Embry	H. O. Porter	J. D. White
A. H. Eversole	Kleber F. Price	John M. Williams
Ferd A. Gnau	Ed F. Prichard	W. G. Williams
C. L. Hammons	Grover C. Ransom	Terrill A. Wilson

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Those who voted in the negative were—

Geo. P. Anderson	Cass R. Walden	Lee Roy Wilson
J. F. Carr	R. E. West	

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Resolved that the title thereof be as amended.

Mr. Tapp moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a resolution which originated in that body entitled:

S. Res. 59. Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of Seven Hundred Dollars ($700.00) is hereby appropriated out of the Legislative Session Fund, One Hundred Dollars ($100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, performing the duties of Chaplain for the General Assembly:

E. W. Baxter, Fred Moffatt, W. V. Cropper, R. B. Kelly, Father Joseph O'Dwyer, J. T. Galloway, H. W. Alexander.

That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance and the Commissioner of Finance shall direct the Auditor of Public Accounts to draw his warrant for the amounts above designated and the Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as Chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said resolution be printed and referred

To Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 349. An Act to amend and re-enact Section 4399-24 Kentucky Statutes, 1936 Revision, Section 4399-25 Kentucky Statutes, 1936 Revision, and Section 4399-30 Kentucky Statutes, 1936 Revision, relating to the election of members of county boards of education, and providing for educational divisions within the county, and the election of school board members therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. School board members in independent districts shall be elected from the school district at large for a term of four years by the legal voters of the school districts. County boards of education shall consist of five members, who shall be elected one from each educational division in the county by the legal voters of said division. County school districts shall be divided into five divisions, and it shall be the duty of the county board of education of each county in this state, as soon as practicable after this act goes into effect, but not later than July 1, 1938, to meet and to divide their respective county school districts into five divisions as nearly equal in population as in practicable, and to cause boundaries to be made for such divisions which shall be recorded in a book to be kept in the office of the county board of education. Provided, that such divisions shall contain integral voting precincts.

If at the time this act goes into effect there shall be more than two educational divisions in the county which do not have a member on the present board of education, or if the terms expiring in 1938 shall cause more than two educational divisions to be without representation, it shall be determined by lot in such manner as the board of education may direct which two divisions shall hold elections in 1938, and the remaining three divisions shall hold eletcions in 1940.

Any citizen may except to the action of the board in forming any division, and shall have the right to be heard; and

if any citizen residing in any division shall feel himself aggrieved he shall have the right to prosecute an appeal from the action of the board to the circuit court of the county, and from the circuit court either party may appeal as is provided in other civil cases.

§ 2. All elections for members of boards of education shall be by secret ballot. Said ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the county clerk to cause to be printed on said ballot the names of all candidates for membership on a board of education, in whose behalf he may be petitioned so to do in writing, by not less than fifty legal voters of the school district in which the candidate lives; provided that in county school districts the petition of a candidate shall contain the names of not less than twenty-five (25) legal voters of the educational division wherein the candidate resides; and provided further that in independent districts embracing cities of the first and second classes the number of such petitioners shall be not less than one hundred (100). The petitioners must be filed in the office of the county clerk not more than sixty and not less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled.

Said ballot shall be in the form prescribed for ballots by the general election law of the Commonwealth, except that no party emblems or other emblem or distinguishing mark shall be placed upon said ballot, save the words "School Ballot" at the head thereof; and that the names of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions are filed. On each of the succeeding fifty ballots he names shall be printed in the same order, save that the last name on the preceding fifty ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the

printed order of names for every fifty ballots; and such ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

The general election laws of the Commonwealth of Kentucky shall apply in all school elections except as set out in this act; and provided that it shall be the duty of the sheriff of each county in which a school district is situated to provide for each precinct in such district a separate box for the reception of the ballots used in the election of members of the board of education; and provided further that it shall be the duty of the judge of election of the opposite political party to the clerk of election in each precinct to issue the school ballots in same manner as other ballots are issued by the clerk of election, by writing the name and residence of the voter upon the primary stub and his registered number, in districts where registration is required by law, upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word or mouth or otherwise to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars ($200). The expense of said election shall be paid by the fiscal court out of the general funds of the county in all school districts except those embracing cities of the first five clases; in such case the expense of the election shall be paid by the city from its general fund.

§ 3. Any vacancy in any board of education, from whatever cause occuring, shall be filled for the unexpired term by the other members of the board within 90 days after such vacancy occurs, and in case the vacancy is not filled by the

other members of the board within said 90-day period, it shall be filled by the State Board of Education within 30 days after information has been filed by any citizen of the district that such vacancy has existed for more than 90 days. The member so chosen shall reside in the educational district or division in which the vacancy occurs, and shall hold office for the unexpired term and until his successor is elected and qualified.

Mr. Hulette offered the following amendment to said bill, viz:

Amend H. B. 349 at the end of said bill by adding the following:

That section 4399-22, Carroll's Kentucky Statutes, 1936 Revision, pertaining to the qualification of members of school Boards be amended by adding the following to said section:

The moving by a member of a board of education of his residence from the district from which he was chosen to another district in the county, shall not disqualify him from continued membership on said board for his unexpired term.

Said amendment was agreed to.

Mr. Ward offered the following amendment to said bill, viz:

Amend H. B. 349 on page 1, section 1, line 5 by striking out the words "said division" and inserting in lieu thereof the words "the entire county"

Said amendment was agreed to.

Mr. Neikirk offered the following amendment to said bill, viz:

Amend H. B. 349 by adding the following at the end of said bill, viz:

That Chapter 65, Article 5, Section 17 of the Acts of the General Assembly of Kentucky at its Regular 1934 Session be amended and re-enacted and when so amended and re-enacted shall read as follows:

A person to be eligible to membership on a board of education must have attained the age of twenty-four years, must have been a citizen of the Commonwealth of Kentucky for at least three years preceding his election and must be a voter of the district for which he is elected. He must not hold or discharge the duties of any civil or political office, deputyship, or agency under the city or county of his residence. A board member shall be eligible for reelection unless he becomes disqualified as herein provided.

No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to such member as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin, and the majority vote of the remainder of the board shall be required in case of appointment or employment of such person.

No person shall be eligible to this office who at the time of his election is directly or indirectly interested in the sale to the board of books, stationary, or any other property, materials, supplies, equipment, or services for which school funds are expended. If, at any time, after the election of any member of such board, he shall become interested in any such contract with or claims against the board, or if he shall after election become a candidate for any office or agency for the nomination thereto, the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he shall move his residence from the district for which he was chosen or if he shall do or incur anything

which would have rendered ineligible for reelection, his office shall without further action be vacant, and it shall be filled as hereafter provided,

No person shall be eligible to serve as a member of a board of education who has been removed from membership on a board of education for cause.

All laws or parts of laws in conflict herewith are hereby repealed.

Said amendment was agreed to.

Mr. Ward offered the following amendment to said bill, viz:

Amend H. B. 349 by striking out the following: the period after the word "fund" in line 43 on page 4, substituting a comma and by adding the following: "provided, however, that the cost of printing the ballots for such elections for school board members shall be paid by the boards of education from the treasury of the school district for which such election is held.

Mr. Ward moved that the vote by which Amendment No. 3 was agreed to, be reconsidered.

Said motion was disagreed to.

The Speaker ruled that said bill and all amendments thereto, were not in order and could not be further considered by the House, inasmuch as House Bill No. 11 which was passed by the House and Senate and became a Law, without the Governor's signature, on February 19, 1938, contained the same subject matter as the bill now under consideration.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 395. An Act providing that before any motor vehicle can be registered for operation in the Commonwealth of Kentucky as now provided for by Sections 2739g-1 to 2739g-14, Carroll's Kentucky Statutes, 1936 Revision, the owner thereof must have public liability insurance thereon.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Beginning with the period for registration of any motor vehicle in the Commonwealth of Kentucky for the year 1939 as provided by Sections 2739g-1 to 2739g-14, Carroll's 1936 Kentucky Statutes Service, all owners of such motor vehicles, before any County Court Clerk shall register said motor vehicles and issue to the owner thereof a registration certificate and deliver a license plate, shall produce a contract of insurance with an insurance company authorized to do business in the State of Kentucky showing that the owner thereto has contracted with the said insurance carrier for public liability insurance whereby said insurance carrier agrees to indemnify the owner of such motor vehicle for any judgment that may be rendered against said owner for damages sustained by other persons, either to such person's property or by personal injury.

Such contracted insurance shall guarantee payment of a sum not to exceed One Thousand ($1,000.00) Dollars if the damages be sustained by reason of injury to property of others and not more than Five Thousand ($5,000.00) Dollars for damages sustained as a result of personal injury or death of one person or not to exceed Ten Thousand ($10,000.00) Dollars if the damages sustained by the result of personal injuries or death of two or more persons.

§ 2. Such insurance contract must be produced each and every year that any motor vehicle is registered by the owner,

showing that said insurance contract has been entered into for the period of time that such motor vehicle is registered for.

§ 3. No County Court Clerk shall issue any registration certificate, deliver any license plate or permit any bill of sale to be recorded in his office or any transfer to any motor vehicle to be made in his office unless the owner of such motor vehicle, either by bill of sale or transfer, shall have the insurance contract as hereinabove set forth.

§ 4. Any County Court Clerk or any Deputy County Court Clerk who violates the provisions of this Act shall be deemed guilty of misfeasance in office and if convicted thereof shall forfeit his office, and in addition thereto shall be punished by a fine of not less than Five Hundred ($500.00) Dollars nor more than Two Thousand ($2,000.00) Dollars.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Myers offered the following amendment thereto by way of Substitute therefor, viz:

SUBSTITUTE FOR H. B. NO. 395

An Act repealing and re-enacting Section Two Thousand Seven Hundred Eleven-A-One Hundred Ninety, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Two Thousand Seven Hundred Eleven A-One Hundred Ninety (2711A-190) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six, Revised Edition, is hereby repealed and re-enacted so that, when re-enacted, it shall read as follows:

(a) If any member of the National Guard shall be in-

capacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Statute 2711A-188 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

(b) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $100.00.

(c) The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $100.00 as allowed by Subsection B of this Section.

All disbursements under Subsections A, B and C of this Section shall be a proper charge against the State and shall

be paid from the Treasury on properly certified and approved vouchers.

(d) If any member of the National Guard, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney-General to represent the member of the National Guard in any civil proceedings so begun. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the National Guard, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	B. F. Bedford	F. C. Boyd
William T. Baker	Rell Bevins	C. P. Bradbury

C. C. Byrne	Clyde D. Lester	E. A. Rose
J. F. Carr	Peter P. Mattingly	Carl Scheben
Leonard Carson	C. C. May	Leon J. Shaikun
H. S. Cleveland	M. T. McCarthy	W. S. Shanklin
T. Fowler Combs	Elmer McGlothen	Parker Sims
John C. Cornett	J. H. McKinney	Wm. St. C. Stuart
Norman A. Curtis	Stanley C. Moebus	A. Frank Tabb
William J. Curtis	Tyler F. Munford	W. R. Tapp
Willard Q. Daniel	Rodes K. Myers	Carl M. Taylor
F. E. Daugherty	Luster C. Oxley	Gabe B. Taylor
L. M. Davisworth	Henry Plum	Cass R. Walden
Sam Dever	H. O. Porter	Joe L. Wall
Forest C. Easley	Kleber F. Price	Henry Ward
Garland Embry	Grover C. Ransom	L. Roger Wells
Ferd A. Gnau	Thomas Rigdon	R. E. West
C. L. Hammons	E. S. Robey	J. D. White
Ira W. Hulette	Joe E. Robinson	John M. Williams
John M. Hunnicutt	John C. Robinson	W. G. Williams
W. H. Hunt	William T. Rollo	Lee Roy Wilson

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There voted in the negative—

John B. Mollette —1

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wells moved that when the House recess, it recess until seven o'clock P. M.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 370. An Act to amend and re-enact Section 17, Chapter 155 of the Acts of the General Assembly of Kentucky enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carroll's 1936 edition, relating to record books required by circuit and county court clerks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 17, Chapter 155, of the Acts of the General Assembly of Kentucky, enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carroll's 1936 edition, be amended and re-enacted and when so amended and re-enacted shall read as follows:

The record books required by circuit and county court clerks shall be procured by the clerk upon the order of the court of which he is clerk, and shall be paid for by the state. It is further provided that the aforesaid clerks shall file a certified copy of the court's orders requisitioning their needs with the State Purchasing Commission. Said commission shall purchase said record books in the same manner as is now provided by law for other purchases made by it.

All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	W. H. Hunt	E. S. Robey
J. Everett Bach	William K. King	Joe E. Robinson
William T. Baker	Clyde D. Lester	William T. Rollo
Rell Bevins	Peter P. Mattingly	E. A. Rose
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
George S. Clay	T. B. McConnell	Leon J. Shaikun
H. S. Cleveland	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Wm. St. C. Stuart
Herbert Cook	G. Samuel Milam	W. R. Tapp
John C. Cornett	Alton Mitchell	Carl M. Taylor
Norman A. Curtis	Stanley C. Moebus	Gabe B. Taylor
William J. Curtis	John B. Mollette	Erna E. Tyra
Willard Q. Daniel	William E. Mull	Cass R. Walden
F. E. Daugherty	Rodes K. Myers	Joe L. Wall
L. M. Davisworth	Homer Neikirk	Henry Ward
Sam Dever	Mel Petry	H. L. Waterfield
Forest C. Easley	Henry Plum	L. Roger Wells
Garland Embry	H. O. Porter	R. E. West
Ferd A. Gnau	Kleber F. Price	J. D. White
C. L. Hammons	Ed F. Prichard	John M. Williams
Ira W. Hulette	Grover C. Ransom	W. G. Williams
John M. Hunnicutt	Thomas Rigdon	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid—

Mr. McGuire moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 374. An Act prohibiting and making it unlawful for any person, firm, corporation, association, partnership,

business trust, fiduciary or legal entity to publish or cause to be published any figures or information known to be false or misleading concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received at any place for tobacco sold at or during any period and providing penalties for the performance of the prohibited acts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity to publish or cause to be published any news agency or to any representative of the press, or to publish or cause to be published in or upon any paper of any kind or character whatsoever or in any manner whatsoever upon any substance whatsoever or in any newspaper, magazine, journal, periodical or book or in any form, kind or character of advertising medium whatsoever any figures or information known to be false, misleading or erroneous concerning the total actual pounds of tobacco sold at any place at or during any period of time, or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received for tobacco sold at any place at or during any period of time.

§ 2. Any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity who shall publish or cause to be published to any news agency or to any representative of the press or who shall publish or cause to be published in or upon any paper of any kind or character whatsoever or in any manner whatsoever upon any substance whatsoever or in any newspaper, magazine, journal, periodical or book or in any form, kind or character of advertising

medium whatsoever any firgures or information known to be false, misleading, or erroneous concerning the total actual pounds of tobacco sold at any place at or during any period of time, or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received for tobacco sold at any place at or during any period of time shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1000.00) for each such offense.

§ 3. The publication of any false, misleading or eroneous figures or information concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received at any place for tobacco sold at or during any period of time shall be prima facie evidence that such figures were or information was known to be false when published.

§ 4. The term "publish" or "published" shall include and mean to utter or cause to be uttered, to verbally declare or state by word of mouth, to print or cause to be printed, to handwrite or typewrite or cause to be handwritten or typewritten, to post, as on a billboard or on any notice or display board, or cause to be posted, to circulate or cause to be circulated, to disseminate or cause to be disseminated.

§ 5. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Mr. Cleveland offered the following amendment to said bill, viz:

Amend H. B. 374 on page 1, section 1, line 3 by inserting after the word "published" and before the word "any" the word "by"

Said amendment was agreed to.

Mr. Ward offered the following amendment to said bill, viz:

Amend H. B. 374 on page 2, Section 3 by striking out all of Section 3.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	F. E. Daugherty	John B. Mollette
J. Everett Bach	Sam Dever	William E. Mull
William T. Baker	Forest C. Easley	Tyler F. Munford
Rell Bevins	Garland Embry	Rodes K. Myers
C. P. Bradbury	Ferd A. Gnau	Homer Neikirk
C. C. Byrne	John M. Hunnicutt	Mel Petry
J. F. Carr	W. H. Hunt	Henry Plum
George S. Clay	William K. King	H. O. Porter
H. S. Cleveland	Clyde D. Lester	Ed F. Prichard
T. Fowler Combs	C. C. May	Grover C. Ransom
Herbert Cook	Elmer McGlothen	Hubert H. Read
John C. Cornett	H. H. McGuire	Thomas Rigdon
Norman A. Curtis	J. H. McKinney	E. S. Robey
William J. Curtis	G. Samuel Milam	Joe E. Robinson
Willard Q. Daniel	Stanley C. Moebus	John C. Robinson

E. A. Rose	A. Frank Tabb	Henry Ward
Clarence Rush	W. R. Tapp	H. L. Waterfield
Leon J. Shaikun	Carl M. Taylor	R. E. West
W. S. Shanklin	Gabe B. Taylor	J. D. White
Parker Sims	Erna E. Tyra	John M. Williams
Wm. St. C. Stuart	Joe L. Wall	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Cleveland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 343. An Act to enable cities of the second class to purchase, establish, erect, acquire, maintain and operate Municipal Hospitals through the sale of Revenue Bonds, which bonds shall be payable solely through the revenue derived from the operation of such Municipal Hospital; and providing for the creation of a board to manage said Municipal Hospital.

With a Committee amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the second class are hereby authorized and empowered to purchase, establish, erect, acquire, maintain and operate municipal hospitals, and other necessary appurtenances thereto, within or without the corporate limits of such cities under the provisions of this Act, for the purpose of supplying the cities and the inhabitants thereof with modern and sanitary hospital facilities.

§ 2. Provided, however, that before any such city shall be authorized and empowered to purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of such city shall pass an ordinance declaring it desirable that such be done, and shall prepare, cause to be prepared, an estimate of the probable cost of such municipal hospital; and, provided further that the question of whether or not revenue bonds shall be issued to provide for the payment of the cost thereof shall be submitted to the qualified voters of such municipality at the next regular election to be held therein. The Mayor of the municipality shall certify the ordinance to the County Court Clerk, who shall, on the ballots provided for use in the municipality which it is proposed to purchase, establish, erect, acquire, maintain or operate such municipal hospital and issue revenue bonds for the payment of the cost thereof, have printed thereon the question: "Are you in favor of the purchasing, establishing, erecting, acquiring, maintaining and operating a municipal hospital in accordance with the estimate of cost adopted by the City of..... (here insert name of city) and the incurring of indebtedness by the issuance of revenue bonds in the amount of $..... (here insert total face amounts of bonds estimated by the legislative body of the city to be necessary to pay the cost of such municipal hospital, based upon the estimate hereinabove provided)." And opposite the question he shall print "Yes" and "No", with the proper squares for stamping the cross mark to indicate preference. Provided, further, that the Mayor of such municipality shall advertise such election and the object thereof for at least seven (7) days before the date of such election in the newspaper having the largest circulation in the city or by handbills posted up at not less than four conspicuous places in each voting precinct in the municipality and at the door of the city hall. All legal voters of such municipality shall be privileged to vote at such election. The city shall have no authority to purchase, establish, erect, acquire, maintain or operate a municipal hospital or to issue revenue

bonds unless a majority of all the qualified voters voting at the election vote in favor thereof. Provided, further, that after said election is held and before the issuance of revenue bonds the legislative body of such city shall select the location of said municipal hospital and shall prepare or cause to be prepared the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land and rights of way of all lands, constructions, rights of way, franchises, and easements, the acquisition of which may be necessary for the construction of said municipal hospital.

§ 3. For the purpose of defraying the cost of purchasing, establishing, erecting, and acquiring any such municipal hospital and necessary appurtenances thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by the election as provided in this Act, and by an ordinance specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed municipal hospital, with necessary appurtenances thereto, is to be purchased, established, erected or acquired pursuant to the provisions of this act.

§ 4. All bonds under the provisions of this Act may be issued bearing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty (30) years from the date thereof, and at such place or places as the legislative body shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, the signatures or counter-signatures shall neverthe-

less be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the legislative body of the city shall deem for the best interests of such city, or any contract for the purchase or acquisition of any municipal hospital may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from the operation of such municipal hospital as provided in Section 9 hereof, and shall not constitute an indebtedness of such city within the meaning of the constitutional provisions and limitations. It shall be plainly stated on the face of each bonds that same has been issued under the provisions of this Act and does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection, or acquisition of such municipal hospital and necessary appurtenances thereto, provided such moneys may be used also to advance the payment of interest on bonds during the first three years following the date of such bonds. And provided further, that the expenses of operation and maintenance for one month after the opening of the hospital may be advanced from these funds. There shall be and there is hereby created a statutory mortgage lien upon the municipal hospital and appurtenances thereto, so acquired, to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The municipal hospital, together with appurtenances thereto, so purchased, established, erected, or acquired, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce, the statutory mortgage lien hereby conferred and may

by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said municipal hospital on behalf of the city, with power to charge and collect rates for the services the hospital renders sufficient to provide for the payment of any bonds or obligations outstanding against said municipal hospital, and for payment of the operating expenses and to apply the income and revenue in conformity with this Act and the ordinance referred to in Section 9 hereof.

§ 9. At or before the issuance of such bonds the legislative body shall, by ordinance, set aside and pledge the income and revenue of such municipal hospital into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining portion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the use of such municipal hospital and the services it renders shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due, and to provide for the operation and maintenance thereof an adequate depreciation account. Such rates and service fees shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operat-

ing and maintenance fund, which shall be equal to the cost of maintaining and operating such municipal hospital during the remainder of the calendar, operating, or fiscal year as may be provided by the ordinance hereinbefore required, the excess may be transferred at any time, by the legislative body, to the depreciation account to be used for any improvements or additions to such municipal hospital.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation on such municipal hospital, or in making new constructions or additions thereto. Any such accumulations may be invested as the legislative body may designate, and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 13. Should the legislative body find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein described.

§ 14. Any city acquiring a municipal hospital pursuant to the provisions of this Act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 15. In like manner, any city acquiring a municipal hospital under the provisions hereof may provide for the

addition to and improvement of such municipal hospital by an additional issue or issues of bonds in the manner provided.

§ 16. Any city acquiring a municipal hospital under the provisions of this Act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the legislative body of such city may deem necessary.

§ 17. Any city purchasing, establishing, erecting or acquiring a municipal hospital, within or without the city, under the provisions of this Act, shall be ordinance provide for the appointment of seven commissioners to operate, manage and control said municipal hospital, such commission to be known as the Municipal Hospital Commission.

Said Municipal Hospital Commission shall provide rules, regulations and by-laws for the management of said municipal hospital and out of the revenue of the municipal hospital it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said municipal hospital is kept in repair and in safe and sanitary condition and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of said municipal hospital as is provided in Section 9 hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or member of the legislative body of such city. Said Municipal Hospital Commission shall not appoint to any subordinate office which they may create, any person who is related to the members of the legislative body or to the mayor or chief executive of said city, or to the members of the Municipal Hospital Commission. No officer or employee of said city, whether holding a paid or un-

paid office, shall be eligible to be appointed as a member of said Commission. The members of such Municipal Hospital Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city. No member of said Commission shall be interested directly or indirectly in any contract for the furnishing of supplies or of service of any kind to said Municipal Hospital or to said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office, he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company and said Commissioners shall each execute bond in the penal sum of $1,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the legislative body of said city. An action may be maintained upon any Commissioner's bond by any person injured by a violation of the covenants therein contained.

Members of the Municipal Hospital Commission shall serve without compensation.

The first Municipal Hospital Commission appointed under this Act shall be appointed for terms as follows: Two for the term of one year; two for the term of two years; three for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 18. If any section or provision of this act is for any reason illegal it is the intention that the remaining sections and parts thereof shall remain in full force and effect.

Said Committee amendment is as follows, viz:

Amend H. B. 343 by striking out the following: the word

"be" in line 3 of Sec. 17, page 7, after the word "shall" and before the word "ordinance" and inserting in lieu thereof the word "by"

Said amendment was agreed to.

Mr. Ward offered the following amendments to said bill, viz:

2. Amend H. B. 343 by inserting in line 6, page 2 after the word "that" and before the word "the" the following: "if a petition signed by a number of legal voters of the city equal to twenty-five per cent of the total number of votes cast in the city in the last regular election is filed within ten days after the passage of the ordinance asking that the question of the approval of the ordinance be submitted to a vote of the people"

3. Amend H. B. 343 by adding the following on page 2, line 10 after the word "shall" and before the word "certify" the following: "if a petition provided for herein has been filed"

4. Amend H. B. 343 by striking out the following "the period after the word 'thereof' in line 34 on page 2 and by adding the following: 'if an election shall have been called for by petition as herein provided for' "

5. Amend H. B. 343 on page 2 section 2 lines 34 and 35 by striking out the words "provided, further, that after said election is held and before" and substituting in lieu therefor the word "before"

6. Amend H. B. 343 by adding the following after the word "Act" and before the comma in line 5, Section 3, on page 3, "if such election is called for by petition as herein provided for"

7. Amend H. B. 343 by striking out the following words "or of service" in line 32 on page 8.

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ferd A. Gnau	William T. Rollo
William T. Baker	C. L. Hammons	Clarence Rush
Rell Bevins	Ira W. Hulette	Carl Scheben
F. C. Boyd	John M. Hunnicutt	Leon J. Shaikun
C. P. Bradbury	W. H. Hunt	Parker Sims
C. C. Byrne	Clyde D. Lester	Wm. St. C. Stuart
J. F. Carr	Elmer McGlothen	A. Frank Tabb
George S. Clay	H. H. McGuire	Carl M. Taylor
H. S. Cleveland	J. H. McKinney	Gabe B. Taylor
T. Fowler Combs	G. Samuel Milam	Erna E. Tyra
Herbert Cook	John B. Mollette	Joe L. Wall
John C. Cornett	William E. Mull	Henry Ward
G. Cunningham	Rodes K. Myers	H. L. Waterfield
Norman A. Curtis	Homer Neikirk	R. E. West
Willard Q. Daniel	Henry Plum	J. D. White
F. E. Daugherty	H. O. Porter	John M. Williams
Sam Dever	Grover C. Ransom	W. G. Williams
Garland Embry	E. S. Robey	
A. H. Eversole	Joe E. Robinson	—55

Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 384. An Act amending and re-enacting section 2739g-2d, Carroll's Kentucky Statutes, 1936 edition, relating to registration fees for trucks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739g-2d, Carroll's Kentucky Statutes, 1936 edition, be amended and re-enacted to read as follows:

§ 1. That all motor vehicles, excluding such as are mentioned in subsection c of Section two thousand seven hundred thirty-nine g-2 (2739g-2), Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, and excluding motor vehicles engaged in hauling passengers for hire, are classified as trucks and the annual registration fee shall be as follows:

"Those having a capacity of one thousand pounds or less, ten ($10.00) dollars; those having a capacity of more than one thousand pounds and up to two thousand pounds, twenty-two ($22.00) dollars; those having a capacity of more than two thousand pounds and up to three thousand pounds forty ($40.00) dollars; those having a capacity of more than three thousand pounds and up to four thousand pounds, fifty-two ($52.00) dollars; those having a capacity of more than four thousand pounds and up to five thousand pounds, sixty-three ($63.00) dollars; those having a capacity of more than five thousand pounds and up to six thousand pounds, seventy-one ($71.00) dollars; those having a capacity of more than six thousand pounds and up to seven thousand pounds, ninety-three ($93.00) dollars; those having a capacity of more than

seven thousand pounds and up to eight thousand pounds, one hundred and twelve ($112.00) dollars; those having a capacity of more than eight thousand pounds and up to nine thousand pounds, one hundred and thirty-eight ($138.00) dollars; those having a capacity of more than nine thousand pounds and up to ten thousand pounds, one hundred and eighty-seven ($187.00) dollars; those having a capacity of more than ten thousand pounds, two hundred and thirty ($230.00) dollars; and twenty-five ($25.00) dollars for each additional ton or fraction of a ton in excess of ten thousand pounds. The applicant for license for a motor truck shall state in his application the capacity of the truck.

"Providing that any person who applies for the registration of a truck having a capacity of three thousand pounds or less, in addition to the requirements to secure registration for said truck, files with the county clerk an affidavit stating that he is a farmer solely engaged in the production of crops, livestock or dairy products, and that he owns a truck of the capacity of three thousand pounds or less, and that he has caused to be printed upon each side of the bed of said truck the words 'Farmer's Truck', in red letters not less than three (3) inches in height, and that said truck for the next twelve months shall not be used in the transportation of anything for hire but is to be used only in transporting persons, food, provender, feed and machinery used in operating his said farm and the products grown upon said farm, and for no other purpose; then, in that event said person shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents ($4.50).

"Providing that any person who applies for registration of a truck, in addition to the requirements to secure registration for said truck, files with the county clerk an affidavit stating that a well drilling outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that the truck for the next twelve months shall not be used in the transportation of anything for hire but is to be used

only in the transportation of the well drilling outfit, in that event said person shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents ($4.50).

§ 2. The registration fees as provided herein, the issuance of receipts, duplicates, tags, and the transfer of such receipts and tags, and the accounting for fees, and all other things required to be done in connection with the same, shall be done as, and at the time and in the manner as is now or may hereafter be provided by law. One-half of all moneys raised by this tax shall be evenly distributed among the one hundred and twenty counties, one two hundred and fortieth (1/240) of all truck licenses going to each of the counties, for the county road funds."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	T. Fowler Combs	Ferd A. Gnau
William T. Baker	Herbert Cook	Ira W. Hulette
Rell Bevins	John C. Cornett	John M. Hunnicutt
F. C. Boyd	Norman A. Curtis	W. H. Hunt
C. P. Bradbury	Willard Q. Daniel	Clyde D. Lester
C. C. Byrne	F. E. Daugherty	C. C. May
J. F. Carr	Forest C. Easley	Elmer McGlothen
George S. Clay	Garland Embry	H. H. McGuire
H. S. Cleveland	A. H. Eversole	J. H. McKinney

G. Samuel Milam	Joe E. Robinson	Cass R. Walden
Stanley C. Moebus	John C. Robinson	Joe L. Wall
John B. Mollette	William T. Rollo	Henry Ward
William E. Mull	Clarence Rush	H. L. Waterfield
Tyler F. Munford	Carl Scheben	L. Roger Wells
Homer Neikirk	Leon J. Shaikun	R. E. West
Henry Plum	Parker Sims	J. D. White
H. O. Porter	Wm. St. C. Stuart	John M. Williams
Grover C. Ransom	A. Frank Tabb	W. G. Williams
Hubert H. Read	Carl M. Taylor	Lee Roy Wilson
Thomas Rigdon	Gabe B. Taylor	
E. S. Robey	Erna E. Tyra	—61

Resolved that the title thereof be as aforesaid—

Mr. Gabe B. Taylor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theaters and providing for rates and classifications therefor.

Said bill is as follows, viz:

WHEREAS, modern economical thought has definitely established that large chain operations or managements, through their volume of buying power are enabled to secure price discriminations either by way of rebate or discount, and

WHEREAS, as a result of these rebates or discounts large chain operations or managements receive accompanying competitive advantages not secured to local operations, now therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On each theater for public exhibitions or performances, there shall be levied an annual license based upon the number of seats per theater, the minimum charge under this section to be ten dollars, and the same to be levied according to the grdaes and classifications as hereinafter fixed. A theater within the meaning of this act shall be construed to be any building wherein public exhibitions or performances, including moving picture shows, and television exhibitions are given, and at which a charge is exacted from those attending same. This provision shall not apply to chautauquas, or to buildings owned by religious or charitable organizations in which public exhibitions or performances are given at which a charge is or may be exacted for those attending same.

§ 2. Every person, persons, firm, corporation, partnership or association of whatever kind or character, engaged in the business of operating two or more theaters as defined in sub-section one of this section, one or more of which is operated within this State under the same and/or ultimate general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, whether within this State or not, according to the grades and classifications as hereinafter fixed.

Sub-Section A. Any person, persons, firm, corporation, partnership or association, of any kind or character operating from one to ten theaters shall pay an annual license tax of twenty cents per seat per annum for each theater operated wtihin this State.

Sub-Section B. Any person, persons, firm, corporation,

partnership or association, of any kind or character, operating from ten to twenty theaters shall pay an annual license tax of forty cents per seat per annum for each theater operated within this State.

Sub-Section C. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from twenty to forty theaters shall pay an annual license tax of eighty cents per seat per annum for each theater operated within this State.

Sub-Section D. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from forty to fifty theaters shall pay an annual license tax of one dollar and sixty cents ($1.60) per seat per annum for each theater operated within this State.

Sub-Section E. Any person, persons, firm, corporation, partnership or association of any kind or character, operating more than fifty theaters shall pay an annual license tax of three dollars and sixty cents ($3.60) per seat per annum for each theater operated within this State.

Sub-Section 3. Provided, however, that the grades and classifications as set out in Sub-Sections A, B, C, D, and E, inclusive of Sub-Section 2 of this Act shall apply to all such theaters as described in this Act in each and every county, except counties having a city of the first class, and in such counties having a city of the first class only the grades and classifications and rate as provided in Sub-Section A of Sub-Section 2 of this Act shall apply.

Sub-Section 4. Every person, persons, firm, corporation, partnership or association of whatever kind or character, operating a theater as defined in this Act, shall file with the County Clerk of the County in which said theater or theaters are operated a statement, under oath, of the number of seats contained in each theater operated in said County of this State, and shall further file a statement declaring such other information, under oath, as is provided and required by the provisions of this Act.

Mr. Myers offered the following amendments to said bill, viz:

1. Amend H. B. 422 by striking out on page 2, subsec. A the words "one to ten" and inserting in lieu thereof "one to twenty theatres operated in this Commonwealth"

2. Amend H. B. 422 by striking out "Subsection B" on page 28 of the printed bill and change "subsection C" to Subsection "B" subsection D to "subsection C" subsection E to "subsection D"

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	L. M. Davisworth	H. H. McGuire
J. Everett Bach	Sam Dever	J. H. McKinney
William T. Baker	Forest C. Easley	G. Samuel Milam
C. P. Bradbury	Garland Embry	Alton Mitchell
C. C. Byrne	Ferd A. Gnau	Stanley C. Moebus
J. F. Carr	C. L. Hammons	William E. Mull
George S. Clay	John M. Hunnicutt	Luster C. Oxley
H. S. Cleveland	W. H. Hunt	Henry Plum
John C. Cornett	Clyde D. Lester	Ed F. Prichard
Norman A. Curtis	C. C. May	Grover C. Ransom
Willard Q. Daniel	M. T. McCarthy	Hobart Rayburn
F. E. Daugherty	Elmer McGlothen	Hubert H. Read

Thomas Rigdon	W. S. Shanklin	H. L. Waterfield
E. S. Robey	Wm. St. C. Stuart	L. Roger Wells
William T. Rollo	A. Frank Tabb	R. E. West
E. A. Rose	Gabe B. Taylor	J. D. White
Clarence Rush	Cass R. Walden	John M. Williams
Carl Scheben	Joe L. Wall	W. G. Williams
Leon J. Shaikun	Henry Ward	

—56

Those who voted in the negative were—

Herbert Cook	Ira W. Hulette	John C. Robinson
A. H. Eversole	Joe E. Robinson	W. R. Tapp

—6

Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the Senate, entitled:

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision) be and the same is hereby amended and re-enacted so as to read as follows:

Any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth may subscribe for and own stock of the Federal reserve bank within the Federal reserve district where such bank or trust

company or combined bank and trust company is located and may take any steps necessary to become a member of such Federal Reserve Bank.

Any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth is hereby empowered upon the authority of a majority of its board of directors to do anything necessary or appropriate to acquire or maintain insurance of its deposits in the Federal Deposit Insurance Corporation, established pursuant to Section 12B of the Federal Reserve Act, as amended, or in any Federal corporation that may succeed or be substituted for same; and also without limiting the generality of the foregoing to acquire stock or securities of such corporation and to enter into and take advantage of all contracts, rights and privileges, which may at any time be available to said banks or trust companies or combined banks and trust companies, or their depositors or receivers or liquidators, pursuant to said or other Federal Act.

Ordered that said bill be printed and referred

To Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 415. An Act to amend and re-enact Section 687 of the Kentucky Statutes (Carroll's 8th Edition—1936 Revision) relating to the character of risks that may be taken; deposit with Treasurer; reports; limit of risk; and liability of officers for exceeding limit.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 687 of the Kentucky Statutes (Carrol's 1930

Edition) relating to character of risks that may be taken; deposit with Treasurer; reports; limit of risk; and liability of officers for exceeding limit, be amended and re-enacted so that said section when amended and re-enacted shall be as follows, to-wit:

687—It shall be lawful for any company organized under this law:

To make any of the following kinds of insurance:

(1) To insure houses, buildings and all other kinds of property against loss or damage by fire, lightning or storm, and to make all kinds of insurance on goods, merchandise and other property in course of transportation, whether on land or water, or, on any vessel or boat, wherever the same may be; (2) to insure against riot and civil commotion; (3) to make all kinds of insurance on goods, merchandise and other property wherever the same may be located; (4) upon the health of persons, or against injury, disablement or death of persons resulting from taveling or general accidents by land or water, and against the liability of employers for injuries to persons in their employment; (5) to guarantee the fidelity of persons holding places of trust, private or public, and to act as surety on official bonds, and for the performances of other obligations; (6) upon the lives of horses, cattle or other live stock; (7) upon plate glass against breakage; (8) upon steam boilers against explosion and against loss or damage to life or property resulting therefrom; (9) gainst loss by burglary or theft, or both; (10) to examine titles to real property and chattels real, to procure and furnish information in relation thereto, and to make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and guarantee or insure bonds and mortgages, and the owners of real property and chattels real and others interested therein against loss by reason of defective titles thereto, and other incumbrances thereon; (11) to guarantee and indemnify merchants traders and those en-

gaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loans which it may have made on mortgages; (12) upon automobiles and all other cars and vehicles, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles and all other cars and vehicles against such losses as arise out of the ownership, operation or maintenance of the same and generally to do and perform all other matters and things proper to promote these objects; and no company organized under this law shall undertake any business or risks not provided for herein. Any company organized for the purposes herein named in Section (5) may become sole surety in all such cases where, by law, one or more sureties are required for the faithful performance of any trust or office; but no clerk or other officer shall be required to accept any such company as surety, any may, before keeping the same, require an examination of the condition and affairs of any such company; and in case where any such company may be accepted as such surety, it shall be lawful for the court or officer taking the bond, or for any officer or fiduciary for whom the said company shall become surety, to place any bonds, stocks, securities, money or valuables in the custody of such company for safekeeping. No company doing business in this state shall undertake to do any of the several kinds of insurance hereinabove named unless said company shall first have on deposit with the treasurer of this state, or the insurance commissioner, or chief financial officer of some other state of the United States, the sum of one hundred fifty thousand dolars, and an additional sum of sixty thousand dollars for each additional kinds of insurance more than one herein named that such company may undertake in this state;

and said deposit shall be invested as required by law. Any company doing more than one kind of business, as herein provided, shall be required to make a separate report and sworn statement for each kind of insurance done, such as is now required of companies doing but one kind of business in this state; and no company organized under this law, or transacting business in this state, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per centum on its paid up capital and surplus exclusive of the amount of any such risk secured by collateral, unless the excess shall be reinsured by the same in some good and reliable company having authority to transact business in this state. But this limitation shall not apply to any bonds or securities furnished to the United States, or to any court or officer thereof. If the directors allow to be insured on a single risk a larger sum than the law permits, they shall be liable for any loss thereof above the amount they might lawfully insure. If a company is under liability for losses equal to its net assets, and the president and directors, knowing it, make or assent to further insurance, they shall be personally liable for any loss under such insurance.

Mr. Gnau moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	Tyler F. Munford	Joe E. Robinson
Rell Bevins	Rodes K. Myers	John C. Robinson
George S. Clay	Luster C. Oxley	Leon J. Shaikun
H. S. Cleveland	Henry Plum	W. R. Tapp
Chas. P. Farnsley	H. O. Porter	Gabe B. Taylor
William K. King	Grover C. Ransom	
G. Samuel Milam	E. S. Robey	—19

Those who voted in the negative were—

J. Everett Bach	Ira W. Hulette	Clarence Rush
William T. Baker	W. H. Hunt	Carl Scheben
C. P. Bradbury	Clyde D. Lester	W. S. Shanklin
C. C. Byrne	C. C. May	Parker Sims
J. F. Carr	H. H. McGuire	A. Frank Tabb
T. Fowler Combs	J. H. McKinney	Carl M. Taylor
Herbert Cook	Alton Mitchell	Cass R. Walden
Willard Q. Daniel	Stanley C. Moebus	Henry Ward
L. M. Davisworth	John B. Mollette	J. D. White
Sam Dever	William E. Mull	John M. Williams
Forest C. Easley	Homer Neikirk	W. G. Williams
A. H. Eversole	Hobart Rayburn	Lee Roy Wilson
Ferd A. Gnau	Hubert H. Read	
C. L. Hammons	William T. Rollo	—40

Mr. Gnau moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hammons moved that the Chief Clerk of this House be directed to request the return from the Senate of a bill entitled:

H. B. 399. An Act relating to revenue and taxation and declaring an emergency.

Which was passed on to-day and delivered to the Senate.

Said motion was agreed to.

Ordered that the Chief Clerk request the return of said bill from the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 401. An Act to repeal, amend, and re-enact Section twenty-four (24), Chapter one (1), of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said Section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (I). That Section Twenty-four (24) of Chapter One (I) of the Acts, of the Second Extraordinary Session of the 1936 General Assembly being entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages and declaring an emergency," said section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's Edition of 1936 reading as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to

cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

Be and the same is hereby repealed, amended and re-enacted so that as amended and re-enacted it shall read as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer and wholesalers of wine and liquor are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

WHEREAS, a great hardship has been placed upon those persons required by the Alcoholic Beverage Tax Act to affix the stamps and report the tax and,

WHEREAS, the business of selling and distributing alcoholic beverages is being burdened, and the revenue of the Commonwealth is thereby being endangered, an emergncy is hereby declared to exist, and this Act shall become a law and be effective upon the fifth calendar day from the date of its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William T. Baker C. P. Bradbury C. C. Byrne

J. F. Carr	Elmer McGlothen	Carl Scheben
George S. Clay	J. H. McKinney	Leon J. Shaikun
H. S. Cleveland	G. Samuel Milam	W. S. Shanklin
T. Fowler Combs	Alton Mitchell	Parker Sims
Norman A. Curtis	Stanley C. Moebus	Wm. St. C. Stuart
Willard Q. Daniel	John B. Mollette	A. Frank Tabb
F. E. Daugherty	William E. Mull	W. R. Tapp
L. M. Davisworth	Tyler F. Munford	Gabe B. Taylor
Sam Dever	Rodes K. Myers	Erna E. Tyra
Forest C. Easley	Homer Neikirk	S. J. Wagner
A. H. Eversole	Henry Plum	Cass R. Walden
Chas. P. Farnsley	H. O. Porter	Joe L. Wall
Ferd A. Gnau	Kleber F. Price	Henry Ward
C. L. Hammons	Ed F. Prichard	H. L. Waterfield
Ira W. Hulette	Grover C. Ransom	J. D. White
John M. Hunnicutt	Hobart Rayburn	John M. Williams
W. H. Hunt	Thomas Rigdon	W. G. Williams
William K. King	Joe E. Robinson	Lee Roy Wilson
Clyde D. Lester	William T. Rollo	
C. C. May	E. A. Rose	—61

Those who voted in the negative were—

Herbert Cook	Carl M. Taylor	—2

Resolved that the title thereof be as aforesaid—

Mr. Gabe B. Taylor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the following bills were reported, viz:

S. B. 48. An Act to amend Section 1 of Chapter 42 of the

Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending and re-enacting Kentucky Statutes, Section 3883, Carroll's Edition 1930.

S. B. 69. An Act to repeal and re-enact Subsection One of Section 1137-1 of Kentucky Statutes, Carroll's edition of 1936, being Chapter 163 of the Acts of the General Assembly of 1920, relating to the death penalty for the crime of rape.

S. B. 72. An Act to amend Section 733 of the Kentucky Statutes, Carroll's edition 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, etc.

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from $6,500.00 to $10,000.00.

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes, 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

S. B. 170. An Act to amend and re-enact Section 165a-8 of Carroll's Kentucky Statutes, 1936 Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, combined banks and

trust companies, and trust, banking and title insurance companies organized under the laws of this State.

S. B. 175. An Act to amend Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6, (2) relating to Confederate pensions.

S. B. 205. An Act providing for the escheat to the Commonwealth of bank deposits, other deposits, dividends, stocks, bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and the proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

S. B. 208. An Act to enable cities of the second, third, fourth and fifth class, and counties containing a city of such class of the Commonwealth to acquire land for aviation fields, providing that such cities and counties may acquire such lands within their corporate limits or anywhere in the county in which the city is located, for aviation fields and to establish and equip the same airports.

S. B. 210. An Act to amend and re-enact Chapter 4, of

the Acts of the General Assembly of Kentucky, 1912, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit; 165a-23, and to declare the legislative intent of said act.

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes, 1936 Edition, relating to the purchase, location and relocation of rights of way by the State Highway Commission.

S. B. 135. An Act to amend and re-enact Section 579 of Carroll's Kentucky Statutes, 1936 Edition, relating to when business may begin, powers of corporation, powers to discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pleding of certain assets to secure a loan in case of a transfer of deposit liability.

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statute, pertaining to jurisdiction of Notary Publics.

S. B. 180. An Act repealing, amending and re-enacting section 2739-52, Kentucky Statutes, Carroll's 1936 edition.

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a-23 to and including 165a-61 of Baldwin's 1936 revision of Carroll's Kentucky Statutes, and being a part of Chapter 17 of the Acts of the General Assembly of 1932, relating to banking and securities.

S. Res. 59. Joint Resolution providing for payment of

ministers of the churches of Frankfort, Kentucky for performing the duties of Chaplain for the General Assembly.

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision.)

H. Res. 83. A Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file suit against the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Daugherty moved that the House do now adjourn to meet again on to-morrow at nine o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, FEBRUARY 26, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Geo. P. Anderson
J. Everett Bach
William T. Baker
B. F. Bedford
Rell Bevins
F. C. Boyd
C. P. Bradbury
C. C. Byrne
J. F. Carr
Leonard Carson
George S. Clay
H. S. Cleveland
T. Fowler Combs
Herbert Cook
John C. Cornett
G. Cunningham
Norman A. Curtis
William J. Curtis
Willard Q. Daniel
F. E. Daugherty
L. M. Davisworth
Sam Dever
Forest C. Easley
Garland Embry
A. H. Eversole
Chas. P. Farnsley
Ferd A. Gnau
C. A. Hale
C. L. Hammons
Ira W. Hulette
John M. Hunnicutt
W. H. Hunt
Ben W. Johnson
William K. King
Clyde D. Lester
Carl Lyttle
C. C. May
M. T. McCarthy
T. B. McConnell
Elmer McGlothen
H. H. McGuire
Jas. H. McKinney
G. Samuel Milam
Alton Mitchell
Stanley C. Moebus
John B. Mollette
William E. Mull
Tyler F. Munford
Rodes K. Myers
Alfred A. Naff
Homer Neikirk
Luster C. Oxley
Mel Petry
Henry Plum
H. O. Porter
Kleber F. Price
Ed F. Prichard
Grover C. Ransom
Hobart Rayburn
Hubert H. Read
Thomas Rigdon
E. S. Robey
Joe E. Robinson
John C. Robinson
William T. Rollo
E. A. Rose
Clarence Rush
Carl Scheben
Leon J. Shaikun
W. S. Shanklin
Parker Sims
Wm. St. C. Stuart
A. Frank Tabb
W. R. Tapp
Carl M. Taylor
Gabe B. Taylor
Erna E. Tyra
S. J. Wagner
Cass R. Walden
Joe L. Wall
Henry Ward
H. L. Waterfield
L. Roger Wells
R. E. West
J. D. White
John M. Williams
W. G. Williams
Lee Roy Wilson
Terrill A. Wilson

Mr. Clay moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons moved that the Sergeant-at-Arms of this

House be directed to inform the members of this House who are in the corridors that the House has convened and to request their attendance.

Said motion was agreed to.

After a time the Sergeant-at-Arms reported that he had discharged that duty.

Mr. Myers moved that the House do now proceed with the regular order of business.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

S. B. 48. An Act to amend Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending and re-enacting Kentucky Statutes, Section 3883, Carroll's Edition 1930.

S. B. 69. An Act to repeal and re-enact Subsection One of Section 1137-1 of Kentucky Statutes, Carroll's edition of 1936, being Chapter 163 of the Acts of the General Assembly of 1920, relating to the death penalty for crime of rape.

S. B. 72. An Act to amend Section 733 of the Kentucky Statutes, Carroll's edition 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, etc.

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from $6,500.00 to $10,000.00.

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes, 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

S. B. 170. An Act to amend and re-enact Section 165a-8 of Carroll's Kentucky Statutes, 1936 Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, combined banks and trust companies, and trust, banking and title insurance companies organized under the laws of this State.

S. B. 175. An Act to amend Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6, (2) relating to Confederate pensions.

S. B. 205. An Act providing for the escheat to the Commonwealth of bank deposits, other deposits, dividends, stocks, bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and the proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

S. B. 208. An Act to enable cities of the second, third, fourth and fifth class, and counties containing a city of such class of the Commonwealth to acquire land for aviation fields, providing that such cities and counties may acquire such lands within their corporate limits or anywhere in the county in which the city is located, for aviation fields and to establish and equip the same airports.

S. B. 210. An Act to amend and re-enact Chapter 4, of the Acts of the General Assembly of Kentucky, 1912, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit: 165a-23, and to declare the legislative intent of said act.

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes, 1936 Edition, relating to the purchase, location and relocation of rights of way by the State Highway Commission.

S. B. 135. An Act to amend and re-enact Section 579 of Carroll's Kentucky Statutes, 1936 Edition, relating to when business may begin, powers of corporation, powers to discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pledging of certain assets to secure a loan in case of a transfer of deposit liability.

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statute, pertaining to jurisdiction of Notary Publics.

S. B. 180. An Act repealing, amending and re-enacting section 2739-52, Kentucky Statutes, Carroll's 1936 edition.

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a-23 to and including 165a-61 of Baldwin's 1936 revision of Carroll's Kentucky Statutes, and being a part of Chapter 17 of the Acts of the General Assembly of 1932, relating to banking and securities.

S. Res. 59. Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky for performing the duties of Chaplain for the General Assembly.

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision.)

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 203. An Act requiring railroads operating in and

through any county in this Commonwealth, passing within five miles of the county seat, to stop and paick up and discharge passengers for points at which such trains have scheduled stops, power being given the state railroad commission for its proper enforcement, penalties being provided for non-compliance with the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all railroad companies operating trains in or through counties in this State within five (5) miles of the county seat are required and must stop on flag to pick up or discharge passengers at such designated points, provided no passenger train will be required to pick up any passengers for any point at which it has neither a flag or regular stop and, provided further, no passenger trains will be required to make flag stops for passengers whose destination is less than one hundred (100) miles.

§ 2. Upon railroads operating more than two passenger trains in each direction within each twenty four hours period, only two passenger trains in each direction within each twenty-four hours period will be required to make stops as herein mentioned.

§ 3. Any failure on the part of the carrier to fully comply with any provisions of this Act shall be punishable by a fine of not less than One Hundred Dollars nor more than Two Hundred and Fifty Dollars for each offense.

§ 4. The Kentucky Railroad Commission is given authority to designate what passenger trains shall make the required stops, but in no event, less than two in each direction during each twenty four hour period.

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interest of the Commonwealth of

Kentucky by enabling the State Board of Agriculture to co-operate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Agriculture is authorized and empowered to co-operate with County Fairs and Community Fairs in the Commonwealth of Kentucky by supplementing premiums offered at such fairs for exhibits of cattle, hogs, sheep, mules, jacks, jennets, and other livestock, poultry; for breeding classes for horses including two years old or under and for breeding stock of any age; and for any and all classes of fruits, vegetables, seeds or other crops for which exhibits are had at such fairs to the extent of from $500 to $1000 annually, provided the fair association receiving such support offers at least an equal amount in these classes. If the fair association offers a lesser amount the financial support of the Commonwealth of Kentucky will be reduced in proportion thereto.

§ 2. That any fair association offering special prize money for 4-H Club or for Smith-Hughes Agricultural student projects may receive an additional sum ranging from $250 to $500 provided each fair appropriates an equal amount in these classes.

§ 3. The State Board of Agriculture is authorized to make such rules and regulations as may be necessary for carrying this act into effect, and to issue an order to the State Treasurer for payment of funds due each fair complying with its rules upon receipt of an accurate and complete report from the secretary and president of the fair claiming financial assistance under this act.

S. B. 151. An Act to regulate and control employment of

operators, cashiers and other persons who operate and conduct pari mutuel machines, and providing that ninety per cent. (90%) of all such employees be residents of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That every person, firm, fiduciary, association or corporation which is licensed in Kentucky to engage in the business of conducting a race track at which races are run for stakes, purses or prizes, where pari mutuel machines are being used and operated, shall employ at least ninety per cent. (90%) of all such pari mutuel operators, cashiers, ticket sellers, and all others in the mutuel department, who are bona fide residents of the Commonwealth of Kentucky.

Any violation of this act, or the failure of any person, firm, fiduciary, association or corporation to employ ninety per cent. (90%) of bona fide residents of Kentucky as operators, cashiers, ticket sellers, and other employees of mutuel machines shall result in a forfeiture of the license of such person, firm, fiduciary, association or corporation.

It shall be the duty of the Racing Commission and/or the Department of Revenue to enforce the provisions of this act. Proceedings may be instituted against any person, firm, fiduciary, association or corporation violating this act in the county where the violation occurs, or in the Franklin Circuit Court.

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or lease voting machines to be used in any or all elections or primary elections; defining and establishing the requirements of said

voting machines, the printing of official sample ballots, number of official ballots to be furnished, requiring instructions of voters in use of machine before election, requiring extra ballots in case of loss or theft, providing for emergency if machine is out of order, the method of conducting the election, the location of the voting machine during elections, the time allowed a voter to vote, instructing voters on election day, providing for blind or physically disabled voters, providing for announcing the vote at close of election, and locking the machines, and where the irregular ballots are to be returned, providing the disposition of keys, making the possession of keys to a voting machine by an unauthorized person a crime and providing a penalty therefor. Defining the meaning of crime used in this act, and repealing all acts in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after passing of this act it shall be and is hereby declared to be legal to conduct and hold elections in the Commonwealth of Kentucky, or any part thereof, either as is now provided for by law or in the manner hereinafter provided for in this act.

§ 2. The Fiscal Court of any county, or the legislative branch or division of any municipality, city, town or other voting district within the Commonwealth of the State of Kentucky, are hereby empowered and authorized to, either separately or jointly, purchase, lease, rent or otherwise procure for use at any election or primary election, any kind of voting machine or machines meeting the requirements of this act, and thereupon and thereafter such voting machines may be used in either a part of or in all of the precincts in such county, municipality, city, town or other voting district either at any or at all elections and/or primary elections held in such county, municipality, city, town or other voting district for voting,

registering and counting the votes cast in such elections. After the municipality, city, town or other voting district shall have determined and decided to procure voting machines and adopt, either in whole or in part, the method of voting and conducting elections as herein provided for, notice thereof shall be published in some newspaper printed in the English language and of general circulation in said county, municipality, city, town, or voting district. The purchase price or rental price of such machines, expenses, storage, equipment, maintenance, repair and costs of advertising, as above provided for shall be at the expense of and paid for by such county, municipality, city, town or voting district, to be allowed, approved and paid in the same manner as other claims are. All other costs of election such as compensation or pay to officers of election, rental of voting places, delivery of boxes, machines, ballots, election paraphenalia and other costs and expenses incident to the preparation for and conduct of elections shall be paid for by the same agencies or divisions of government and in the same manner as costs of elections are now or may hereafter be paid, except as may hereinafter be provided for.

§ 3. The Fiscal Court of the county, or the legislative body of the municipality, city, town or other voting district so determining to purchase, lease, rent or otherwise procure the use of voting machines and conduct elections as herein-provided for are hereby expressly authorized and empowered to determine and provide for and require such specifications supplementary to the specifications hereinbefore and hereinafter set forth as may be deemed proper for voting machines acquired, or to be acquired for use in said elections, and to select in its or their discretion the type and make of such voting machines, to employ engineers or other skilled persons to advise and aid in the exercise of the powers and duties hereby conferred and required, or may authorize the County Board of Election Commissioners to employ such engineers or other skilled persons herein authorized or provided for. Provided,

however, that none of the specifications or requirements herein provided for shall or may at any time be waived except by amendment of this act by the Legislature of the Commonwealth of Kentucky. All voting machines, when purchased, shall be delivered to the Clerk of the County Court of the county in which they are to be used, who shall have the custody of the same for all the purposes of this act subject to the rights and duties of the County Board of Election Commissioners in reference thereto as herein provided. The duties of the Clerk of the County Court in reference to delivery of said machines to and from voting places shall be the same as it is to ballot boxes and other election equipment.

§ 4. Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements; it shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for all candidates of as many political parties or organizations as may make nominations, and for or against as many questions as submitted; it shall, except at primary elections, permit the voter to vote for all the candidates of one party or in the part for the candidates of one or more other parties, it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same or any other office; it shall permit the voter to vote for or against any question he may have the right to vote on; but no other; if used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a "Protective Counter" or Protective Device, whereby any operation, of the machine before or after the time for opening or closing the election will be detected; it shall be provided with a counter which shall show at all times during an election how many per-

sons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party, or to vote for any person for any office when the name of such person so desired to be voted for does not appear upon the ballot as a candidate for any office.

§ 5. It is hereby declared to be the duty of the County Board of Election Commissioners, hereinafter called the Board, in each of the respective counties, or any body or board which may hereafter be provided to perform the duties now performed by said County Board of Election Commissioners, where said voting machines are used in any election held within the confines of such county, and said Board is hereby given power and authority to determine what precincts in the confines of said county, municipality, city, town or other voting district shall be first equipped with voting machines, if less than all precincts are to be so equipped at any given time, after the Fiscal Court of said county or the legislative branch or division of any municipality, city, town or other voting district shall first determined to purchase, rent or lease voting machines for use as herein provided; provided further, however, that when the purchase, lease or rental of any number of machines as herein provided for shall have been made as herein provided for, the said County Board of Election Com-

missioners shall designate such number of precincts as shall permit the use of all such machines whether purchased, leased or rented.

§ 6. All ballots shall be printed on paper or clear white material of such form and size as will fill the ballot frames of the machines. In pain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in vertical columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

§ 7. The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide not less than two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machines as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished a sufficient number of sample ballots (a facsimile of the face of the machines) of a reduced size.

§ 8. It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election, and for the purpose of placing ballots in the ballot frames of the ma-

chine, putting it in order, setting, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the committee of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the Board or officials having charge and control of elections, together with a written report made by the custodian stating that it is in every way properly prepared for the election. After the voting machines shall

be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

§ 9. The form and arrangement of ballots or ballots labels to be used in all voting machines used under authority of this act shall be arranged and prepared so that the titles of all offices to be voted for shall be arranged either horizontally or vertically, and the names of the candidates of each party or principle shall be arranged under or opposite the proper title, in a horizontal or vertical row or rows for each party or principle; and except that said ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine and further that the designation of the party or principle which each candidate represents shall appear just above the name of each such candidate and provided further that the ballot labels shall be so arranged that exact uniformity (so far as practicable) will prevail as to size and face of printing of all candidates's names and party designations. The ballot labels for questions, including Constitutional Amendments, Referenda and other propositions shall be placed on the machine in the space provided for that purpose and may contain a condensed statement of each proposition to be voted on, accompanied by the words "For" and "Against" or by the words "Yes" and "No". The word "Yes" shall be interpreted as meaning a vote for a constitutional amendment, statute or ordinance referred, or other proposition, and the word "No" as a vote

against a constitutional amendment, statute or ordinance referred, or other proposition. The titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit; there shall be printed below the office title the words "Vote for One", "Vote for Two", in accordance with the provisions of the laws of the Commonwealth concerning and governing elections or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated for such office.

At least one voting machine shall be provided for each five hundred registered voters, and the county courts of the respective counties are authorized and directed to re-arrange precinct boundaries and, where necessary, to enlarge or reduce the number of such precincts so as to permit, as far as may be practicable, the use of one voting machine for each five hundred registered voters where said voting machines are used; and provided, further, that each precinct shall be equipped with such number of voting machines, not exceeding one machine for each unit of five hundred voters or fractional part thereof, as the Board shall deem necessary for the proper conduct of any election.

In the polling places of precincts where voting machines are required to be used by the provisions of this Act, such elections in such polling places shall be conducted by the two Judges of election, one Clerk of election and one Sheriff of election the same as provided for in precincts where voting machines are not used. Provided, however, that nothing herein contained shall prevent the use of paper ballots as are now used in elections in polling places for which voting machines are not available or have not been procured; and in such polling places where paper ballots may be used as aforesaid, elections shall be conducted in all respects in accordance with the provisions of law relating to elections held by means of paper ballots.

In the event the two judges of election are unable to agree upon any question which it is their duty to act on or decide

then and in such cases the Sheriff of election for said precinct shall be called to cast a vote breaking the tie or deadlock, and his vote shall be final.

All voting machines used in a primary election shall remain locked and sealed for the period of ten days next succeeding the date of the primary election, after which time the voting machines may be unsealed and unlocked and made available for preparation for use in the succeeding election. Provided, however, that upon receipt of notice of contest, as hereafter provided for, the Board shall, within five days from the receipt of such notice, proceed to inspect and examine the voting machines containing the votes cast for such contested office, and shall make a record of the votes cast for such contested office, and shall make a record of the votes for said contested office shown on said voting machines, which record they shall duly certify as correct and shall affix their signatures thereto, and shall preserve such records so that the same may be available in such contest as evidence of the votes cast for such office upon said voting machines. Such record shall be received as evidence as fully and with as full force and effect as if proved by the oral testimony of the persons who shall sign the same, or by the production of said voting machines in Court or before said Board. The principals of such contest, and their authorized representatives, shall be permitted to be present at the aforesaid inspection and examination of said voting machines. After such inspection, examination and recording of the results thereof, the said voting machines shall immediately thereafter be released and shall be available for preparation for use in the succeeding election.

No voter, in the use of a voting machine, shall be permitted to occupy more than two minutes while other voters are waiting to use the same.

In the polling places of election precincts where voting machines are used the polls shall be opened at six o'clock A. M. and shall be closed at four o'clock P. M. and, in such polling places, Judges of election, when acting as such, shall

be compensated at the same rate, as allowed to Judges of election in all other precincts where elections are conducted, and no more.

Wherever possible, the provisions hereof shall be construed in harmony with existing laws. If any of the provisions hereof shall be judicially declared to be invalid or unconstitutional, the remaining provisions hereof shall not be thereby affected, but shall remain in full force and effect.

§ 10. As used in this Act:

(1) The word "ballot-labels" shall mean the cards, paper, or other material, containing the names of offices and candidates and statements of questions to be voted on;

(2) The word "diagram" shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, offices, and candidates, and statements of the questions, in their proper places, together with the voting devices therefor, and shall be considered a specimen ballot;

(3) The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

(4) The words "vote indicator" shall mean the levers, knobs or handles attached to the face of the machine by means of which the voter indicates his choice of candidates or decision of question;

(5) The words "candidate counters" and "question counters" shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

(6) The words "public counter" shall mean a counter or other device which shall, at all times, publicly indicate how many times the machine has been voted on at an election;

(7) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated, and shall be so constructed and so conected that it cannot be reset, altered, or operated, except by operating the machine;

(8) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting;

(9) The word "model" shall mean a mechanically operating model of a portion of the face of the machine, illustrating the manner of voting;

(10) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election, and instructing the election officers in the use of the voting machine;

(11) The words "election" and "elections", whenever used in this act, shall be held to include and mean all general, municipal, primary and special elections;

(12) The word "board" shall mean the County Board of Election Commissioners for that county containing the precincts wherein is located the precincts in which it has been determined to use voting machines as herein provided for;

(13) The words "County Court" and "County Clerk" shall respectively mean the county court of that county containing the precincts in which it has been determined to use voting machines as herein provided for, and "County Clerk" shall mean the Clerk of such County Court.

§ 11. Every voting machine acquired or used under the provisions of this act shall:

(a) Provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted;

(b) Permit each voter, in one operation, to vote for all the candidates of one party for presidential electors:

(c) Permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all parties and from independent nominations; and for any person of the voters choice for any office to be voted for, provided the name of such person of the voters choice is not a candidate for some other office to be voted on at the same election in such case the machine shall provide ways and means for the voter

writing in or otherwise indicating the name of the person for whom he desires to vote and then so voting for such person of the voter's choice.

(d) Permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question which appears upon a ballot-label;

(e) Preclude each voter from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once;

(f) Be capable of adjustment by election officers, so as to permit each voter at a primary election to vote only for the candidates seeking nomination by the political party with which he is affiliated, and for whose candidates he is quilified to vote, and so as to preclude him from voting for the candidates seeking nomination by any political party with which he is not affiliated; or for whose candidates he is not qualified to vote;

(g) Permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot-labels, up to the time he begins the final operation to register his vote, or indicated or expresses his intention to register his vote;

(h) Permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for whom any other voter has voted or is voting, save a voter whom he has assisted or is assisting in voting as prescribed by law;

(i) Have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows transverse thereto:

(j) Have a counter, or other device, to be known as a "public counter", the register of which is visible from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting;

(k) Have a protective counter, or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism;

(l) Be provided with a lock or locks, by means of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented;

(m) Be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting;

(n) Be constructed of material of good quality, in a neat and workmanlike manner;

(o) When properly operated, register or record correctly and accurately every vote cast;

(p) Be so constructed that a voter may readily learn the method of operating it;

(q) Be safely transportable;

(r) Be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism.

§ 12.

(a) The papers, cards or strips, enclosed within the ballot-frame or frames of any voting machine, and containing the names of a candidate or candidates, and his, her or their political party, or the statement of a question to be voted upon, hereinafter referred to as ballot-labels, shall be printed in black ink, upon clear white material, of such size as will fit the ballot frame, and in plain clear type so as to be clearly readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot-label for each candidate, group of candidates, or

question, to be voted on, shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot-labels, in brief form, to be determined in the same manner as are questions which appear upon paper ballots, but said questions may appear at the top or side of the ballot-label, the provisions of any other section of this Act to the contrary notwithstanding.

(c) The ballot-label for each candidate or group of candidates, nominated or seeking nomination by a political party, shall contain the name or designation of the political party.

(d) The title of offices may be arranged horizontally or vertically, with the names of candidates for and office arranged transversely under or opposite the title of the office.

(e) The names of all candidates, nominated or seeking nomination by a political party, shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party.

(f) When the same person has been nominated for the same office by more than one political party, his name shall appear in the rows or columns containing generally the names of candidates nominated by each such party.

(g) The form and arrangement of ballot-labels, to be used at any election, shall be determined by the clerk of the county court of the county in which election is being held or the candidates, questions, amendments or issues being voted upon.

(h) In primary elections, the ballot-labels, containing the names of candidates seeking nomination by a political party, shall be segregated on the face of the machine in adjacent rows or columns by parties.

§ 13.

(a) The Board shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct and shall cause each machine to be placed in proper

order for voting; and said Board or its duly authorized agent shall examine each machine before it is sent out to a polling place; shall see that the proper ballot labels are properly arranged on each machine and that each registering counter, except the protective counter, on each machine is set at zero (000); shall lock each machine so that the counting mechanism cannot be operated; and shall seal each machine with a numbered seal. The said Board, or its duly authorized agent, shall adjust each machine, to be used at a primary election, so that the election officers may lock it on primary election day, in such a way that each voter can vote only for the candidates seeking nomination by the political party with which he is affiliated, if he is affiliated with a political party, or for whose candidates he is qualified to vote, and so that no voter can vote for the candidates seeking nomination by any political party with which he is not affiliated, or not entitled to vote.

(b) The said Board shall appoint one custodian of voting machines and three deputy custodians, whose duty it shall be, in conjunction with the clerk of the county court of said county, to prepare the machines to be used in the county at the election to be held therein. Such custodian shall, under the direction of the said Board, have charge of and represent the said Board during the preparation of the voting machines as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the said Board. Each custodian shall take the constitutional oath of office, which shall be filed with the said Board.

(c) On or before the thirtieth day preceding an election, the said Board shall mail to the chairman of the city committee of each political party, which shall be entitled under existing laws to participate in primary elections within the city, a written notice, stating the times when and the place or places yhere the the machines for use in the several election precincts in the county will be prepared for use. At such times

and places, one representative of each of such political parties, certified by the respective chairmen of the district, county or city committees of such parties as the case may be, shall be entitled to be present, and to see that the machines are properly prepared and are placed in proper condition and order for use.

(d) The clerk of the county court in person or by one of his deputies and the custodian and deputy custodians of voting machines shall make a certificate, in writing, which each shall sign, and request each representative of a party as aforesaid present at the preparation of the machine to attest, and which shall be filed with the said board, stating (1) the identifying number or other designation of the voting machine; (2) that each registering counter of the machine was set at zero (000); (3) the number registered on the protective counter or other device of the machine; and (4) the number on the seal with which the machine is sealed.

(e) No Board, or member or employee thereof, nor custodian, nor other officer or person or persons, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the said county clerk and his deputies, the Board and its employees shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

(f) The clerk of the county court of the county wherein voting machines are used shall furnish all ballot-labels, forms of certificates, returns and other papers and supplies required under the provisions of this act, to be paid for as ballots, ballot books and other election paraphenalia are paid for in precincts where elections are held and conducted without the use of voting machines.

§ 14. The clerk of the county court shall deliver the proper voting machine or voting machines, properly furnished with ballot-labels, to the polling places of the respective elec-

tion precincts at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act.

(b) The Board shall provide ample protection against molestation of and injury to the voting machine, and, for that purpose, the said Board or any of the Judges of Election shall and may call upon and police officer or other peace officer to furnish such assistance as may be necessary, and it shall be the duty of police officers and other peace officers to furnish such assistance when so requested by the said Board or by any Judge of Election.

(c) The clerk of the county court shall furnish, at the expense of the county, municipality, city, town or voting district providing the voting machines and deliver with each voting machine:

(1) A lantern, or a proper substitute for one, which shall give sufficient light to enable voters, while in the voting macine booth, to read the ballot-labels, and suitable for the use of the judges of election in examining the counters. The lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

(2) Two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by illustrated directions for voting on the machine. Such diagrams shall be posted prominently outside the enclosed space within the polling-place.

(3) A mechanically operated model of a portion of the face of a voting machine, for the instruction of voters. Such model shall be placed in the polling-place and at or outside of the guard-rail.

(4) A seal, for sealing the machine after the polls are closed, unless the construction of the machine is such that the machine is automatically locked and sealed when the results

are exposed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary, or as may be required by law.

§ 15. Before each election at which voting machines are to be used the Board or the employees thereof or the custodian shall instruct in the use of the machine, and in their duties in conection therewith, all judges of election who are to serve thereat and who have not previously been instructed and found qualified; and they shall give to each judge of election, who has received such instruction and is fully qualified to conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction, the said Board or the custodians shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall, upon notice, attend any such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the elections with the machine. No judge of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the Board or one of the custodians of the machines; Provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy arising on the day of election, or within three days preceding the day of election.

§ 16.

(a) The Board shall deliver the keys, which unlock the operating mechanism and the registering counters or counter compartment of the voting machine, to one of the judges of election not earlier than noon of the third day preceding an election, nor later than three-quarters of an hour before the time set for the opening of the polls, and shall take the judge's receipt therefor. The keys shall be enclosed in a sealed enve-

lope, on which shall be written or printed: (1) The number of the voting machine; (2) the name or designation of the precinct; (3) the number of the seal; and (4) the number registered on the protective counter or device as reported by the custodian.

(b) No judge of election shall open an envelope so delivered, until another judge of the opposite political party shall be present in the polling-place, and shall have examined the envelope to see that it his not been opened.

(c) Before opening the envelope, both judges of election shall examine the number on the seal on the machine, and the number registered on the protective counter or device, and shall see whether they are the same as the numbers written on the envelope containing the keys. If either number shall be found not to agree, the envelope shall remain unopened until the judges of election shall have notified the custodian of voting machines, or the Board and until the custodian or some other person authorized by the said Board shall have presented himself at the polling-place for the purpose of re-examining the machine, and shall have certified that it is properly arranged.

(d) But if the numbers on the seal and the protective counter or device shall be found to agree with the numbers on the envelope, the judges of election shall examine the registering counters, and, for that purpose, shall open the doors concealing such counters, if the construction of the voting machine shall so require, and, before the polls are opened, the said judges shall carefully examine every registering counter, and shall see that it registers zero (000), with the exception of the protective counter or device, and shall allow the watchers to examine the counters.

(e) If the ballot-labels containing the names of offices, parties, candidates, and questions, shall not be in their proper places on the voting machine, the judges of election, forthwith, shall notify the custodian of voting machines, or the clerk of the county court or the board, and the machine shall

not be used until the custodian, or some other person authorized by the said clerk of the county court or the board, shall have supplied ballot-labels as herein prescribed. If the ballot-labels for a voting machine shall not be delivered at the time required, or, if, after delivery, they shall be lost destroyed, or stolen, the clerk of the county court or the board or custodian shall cause other ballot-labels to be furnished, prepared, printed or written, as nearly in the form of the official ballot-labels as practicable, and shall cause such ballot-labels to be used in the same manner, as nearly as may be as the official ballot-labels would have been used.

(f) The judges of election shall sign a certificate showing: (1) the indentifying number or other designation of the voting machine; (2) the delivery of the keys in a sealed envelope; (3) the number on the seal upon the machine; (4) the number registered on the protective counter or device; (5) that all of the counters were set at zero (000); (6) that the ballot-labels are properly placed in the machine; and (7) that every vote indicator in connection with or belonging to a blank space immediately adjacent (either horizontally or vertically) to the space containing the name of any candidate or the word "Yes" or "No", "For" or "Against", in connection with any question, is locked against operation, which certificate shall be returned by the judges of election to the Board with the other certificates as hereinafter provided.

(g) The machine shall remain locked against voting until the polls are opened, and shall not be operated except by voters in voting. If any counter except the protective counter or device, is found not to register zero (000), the judges of election shall immediately notify the custodian, or the Board, who shall, if practicable, adjust or cause the counters to be adjusted at zero (000); but, if it shall be found impracticable for the custodian or other person authorized by the said Board to arrive in time so to adjust such counters before the time set for opening the polls, the judges shall immediately make a

written record of the designation or designating letter or number of each counter, together with the number registered thereon, hereinbelow called the initial number, and shall sign and post the same upon the wall of the polling-place, where it shall remain until the polls are closed, and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the election officers shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the judges of election shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained, and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number.

(h) The exterior of the voting machine, and every part of the polling-place, shall be in plain view of the judges of election and watchers. Every voting machine shall be located in the polling-place, at least six feet back of the guard-rail, in such a position that, unless its construction shall require otherwise, the ballot-labels on the face of the machine can be seen plainly by the judges of election and watchers when the machine is not occupied by a voter. The judges of election shall not themselves be, nor allow any other person to be, in any position that that will permit one to see or ascertain how a voter votes, or how he has voted. The said judges, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot-labels are in their proper places, and that the machine has not been injured or tampered with.

(i) During an election, the door, or other covering of the compartment containing the counters of the machine, shall not be unlocked or opened, or the counters exposed, except by the action of the proper custodian of voting machines for good and sufficient reason, a statement of which shall be made in

writing and signed by him and attested by the signatures of the judges of election, or except upon the written order of the Board for good and sufficient reason which shall be stated in the order.

§ 17. (a) During the thirty days next preceding an election, the Board shall place on public exhibition, in such public place, on such days, and at such times as they may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot-labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, as far as practicable, the names and arrangement of the candidates to be voted for. Such machine or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election.

(b) During such public exhibition and instruction, the counting mechanism if the voting machine shall be concealed from view, and the doors, or cover concealing the same, shall be opened, if at all, only temporarily, and only upon written authorization from the Board.

(c) Prior to any election the Board may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling-places, to be made, either in full size or in reduced size, and to be posted, published, advertised or distributed among the voters in such manner as the said Board may deem desirable.

§ 18. (a) The judges of election shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter, before he enters the voting machine booth, regarding the operating of the machine, and shall give the voter opportunity personally to operate the model.

(b) No voter shall be permitted to receive any assistance in voting at any election, unless he shall declare under oath to the judges of election that by reason of blindness or physical disability he is unable to read the names upon the ballot-labels or to see the machine, or, without assistance, to prepare it for voting, or enter the voting machine booth without assistance. Upon making and filing with the judges such affidavit, the voter shall retire to a voting machine, with two of the judges of opposite political parties, and then and there one of said judges in the presence of the other shall operate the machine as such voter shall direct, the voter himself orally naming one by one the candidates for whom he desires his vote to be recorded or by indicating the candidates by a general designation as the candidates of any one political party. Such disabled voter desiring to vote for or against any proposed amendment, or on any submitted question, must, without suggestion of any kind made by either of the judges, state orally the amendment or question upon which he desires to vote and whether he desires to vote "Yes" or "No" or "For" or "Against" such amendment or question. The ballot-label shall not be read to such voter, nor shall any suggestion of any kind be made by either of said judges to show him as to how his choice shall be indicated, but the only assistance which it shall be lawful for the judges to given him is to move the vote indicators as he, without prompting or suggestion from them or either of them, shall direct, but no voter shall be assisted under this section until two judges of election and the sheriffs of election shall be satisfied of the truth of the fact stated in such affidavit. Voters who are unable, by reason of blindness or physical disability, to operate the machine without assistance shall not be entitled to receive assistance in so doing. And with the exception in favor of persons blind or incapable by reason of physical disability of operating a voting machine without assistance, no distinction or discrimination in the matter of assistance in operating

such machine shall be made for or against any duly registered voter for any other cause whatever. The voter shall state in his affidavit the specific physical disability which requires him to receive assistance, and the judges of election shall enter in writing on the record of assisted voters: (1) the voter's name; and (2) the specific physical disability which required him to receive assistance.

(c) If, however, any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the matter of voting, then two of the judges of opposite political parties shall give him such instructions, but no such judge shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the voter closes the booth or votes, the judges shall retire, and the voter shall forthwith vote.

§ 19. In primary elections, before a voter is admitted to the voting machine, it shall be adjusted by a judge of election in charge thereof so that such voter will only be able to vote for the candidates of the party with which he is affiliated.

§ 20. At any general election, at which presidential electors are to chosen, the machine shall be so adjusted that each voter shall be enabled to vote, by one operation, for all the presidential electors of a party. For each party nominating presidential electors, a ballot-label shall be provided, containing only the words "Presidential Electors", preceded by the name of the party, and followed by the names of the candidates thereof for the offices of President and Vice-President, and the corresponding counters or registering devices shall register votes cast for said electors when thus voted for collectively, but the machine shall be so prepared that it shall be possible for the voter to indicate his choice of as many candidates for the position of presidential elector as there are presidential electors to be elected.

§ 21. (a) When the polls are closed, all qualified voters, who are then waiting in line to vote, shall be permitted by the judges to do so. As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating: (1) that the machine has been locked against voting and sealed; (2) the number of voters, as shown on the public counters; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective counter or device.

(b) The judges, in the presence of the watchers and all other persons who may be lawfully within the polling-place shall then make visible the registering counters, and for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of the watchers, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the designation or designating numbers and letters on each counter, and the results as shown by the counter numbers for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on triplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed,

shall be signed by the judges. The vote for presidential electors shall be computed and returned as provided herein. If more than one voting machine is used in any precinct, the vote registered on each machine shall be ascertained in like manner, and separately entered in appropriate spaces on the general and triplicate return sheets and statement. The total vote cast for each candidate, and for and against each question, shall then be computed and entered on the general and triplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, triplicate return sheets shall be prepared for each party. The registering counters of the voting machines shall remain exposed to view until the said returns and all other reports have been fully completed. During such time, any candidate, or duly accredited watcher, who may desire to be present, shall be admitted to the polling-place.

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of each candidate, the designation or designating numbers and letters of his counters and the vote registered on each counter, also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed and locked and the return sheet shall be signed by each of the

judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall then be secretly sealed with sealing wax, or other sealing material, and each of the judges shall write his name across the fold of the envelope. One of the triplicate return sheets shall be directed to the County Board of Election Commissioners of the county in which election is being held, one to the local governing body of each of the two dominant political parties, and the general return sheet and statement shall be directed and immediately delivered to the clerk of the county court of the county in which said precinct is located, together with the keys of the voting machine, inclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Said envelope shall have indorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) As soon as possible after the completion of the count, the clerk of the county court for the county in which said precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

§ 22. The general return sheet, triplicate return sheets, and statement, shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling-place. Thereupon, each of the judges shall take into his possession two of the above mentioned return sheets, sealed up in its envelope as aforesaid, and the meeting of said judges shall then be dissolved. Thereupon

the said judges shall forthwith delivery the said return sheets to the respective officers and persons to whom they are addressed, as aforesaid, and shall take receipts therefor. The judges representing each of the two dominant political parties shall take the envelope addressed to the local governing authority of the party with which said respective judges are affiliated, also one of the judges shall take and deliver the envelope addressed to the Board and the other judge shall take and deliver the envelope addressed to the county clerk.

§ 23. After each general or special election, the voting machine shall remain locked against voting for the thirty days next following such election, except that it may be opened and all the data and figures therein examined, upon the order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee authorized and empowered to investigate and report upon contested elections affected by the use of such machine, and such data and such figures shall be examined by such court, judge or committee in the presence of the officer having the custody of such machine. In the event of a contest of election the court in which such contest is pending or the committee before which said contest is being heard may upon motion of any party to said contest issue an order requiring that said voting machines shall remain continuously locked for such further time as may be reasonable or necessary, with due regard for the preparation of said machines for a succeeding primary, general or special election, but in no event shall such order compel that said machines remain locked to a time within thirty days next preceding any such approaching primary, general or special election.

§ 24. Whenever it shall appear that there is a discrepancy in the returns of any precinct, or, upon petition of three voters of any precinct, verified by affidavit, that an error, although not apparent on the face of the returns, has been committed therein, the Board shall, at any time prior to the completion of the computation of all of the returns for for the

said election, summon the officers of election of the precinct, and said officers, in the presence of said Board, shall make a record of the number of the seal upon the voting machine, and, without unlocking the machine against voting, shall recanvass the vote cast thereon. Before causing such recanvass, the said Board shall give notice in writing to the custodian of voting machines, and to each candidate, and to the chairman of the city committee of each party affected by the canvass, and each such candidate may be present in person, or by attorney, and each of such parties may send two representatives to be present at such recanvass. If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said Board, with the assistance of the custodian, in the presence of the judges of election and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said Board. If, upon such recanvass, it shall appear that the original canvass of the returns by the election officers was incorrect, the said returns and all papers being prepared by the said Board shall be corrected accordingly: Provided, however, that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified or notice to someone previously designated by such candidate as the person upon whom notice could be served.

§ 25. (a) The clerk of the county court shall have the

custody of all voting machines, and the keys therefor, when the machines are not in use at an election, and shall provide for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places as provided by this section.

§ 26. Any officer of election, or other person, who shall violate any of the provisions of this act, or who shall tamper with, or injure, or attempt to injure, any voting machine to be used or being used in an election, or who shall prevent, or attempt to prevent, the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment for not more than one year, or to pay a fine not exceeding one thousand dollars ($1,000.), or both, in the discretion of the court.

§ 27. Except as modified by the provisions of this act, the general laws regulating general, municipal, primary, special, and other elections shall apply to all elections in accordance with the provisions of this act.

§ 28. If any of the provisions of this act shall be judicially declared to be invalid or unconstitutional, the remaining provisions thereof shall not be thereby affected, but shall remain in full force and effect.

§ 29. AND BE IT FURTHER ENACTED, That all laws or portions of laws inconsistent with or or in conflict with the provisions hereof are hereby repealed to the extent of such inconsistency or conflict herewith, but not otherwise.

S. Res. 63. A Resolution authorizing and empowering Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 25th day of December, 1937, near the city limits of Lexington, Kentucky, on the Leestown Pike in Fayette County, Kentucky, an automobile of the Fayette County Patrol and then and there being operated, managed, controlled and used by an employee of Fayette County, Kentucky, and in which Anna Henderson Smith was a passenger, had an accident, and the said Anna Hederson Smith was critically injured as a result of said accident, and

WHEREAS, the said Anna Henderson Smith was then, and is now, an infant and will not be twenty-one years of age until August, 1938,

NOW, in order to determine by judicial action the question of whether the operator of said automobile was negligent and the said Anna Hendeson Smith is entitled to damages against Fayette County, Kentucky, for her injuries,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Anna Henderson Smith shall be, and she is hereby, empowered and authorized to sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, in her own name and right in the Fayette Circuit Court in Lexington, Kentucky, when she becomes twenty-one years of age, or the said Anna Henderson Smith may at this time, through a duly qualified and acting guardian sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, and if said suit is still pending when the said Anna Henderson Smith reaches the age of twenty-one years she may join in said suit in her own right and may continue the prosecution of said suit, either of said suits to be for the purpose of determining the liability, if any, of Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, for the injuries sustained by the said Anna Henderson Smith as a result of said accident.

S. Res. 37. A Joint Resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents ($122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

There be and is hereby appropriated from the General Fund of the State of Kentucky the sum of one hundred twenty-two dollars and eight cents ($122.08) for the purpose of paying A. D. Carpenter assignee of the following State claims ordered and issued by the Breathitt Circuit Court.

Bowman, Bedford	$1.00
Bush, Mose	1.00
Bowling, George Ed	2.00
Campbell, Uleys	2.00
Chandler, Henry	2.00
Davidson, Beech	1.00
Deaton, Luther	2.00
Deaton, Virgil	1.00
Franks, Pearlie	17.00
Fugate, Walter	2.00
Gearett, Everett	3.00
Goff, James	1.00
Gross, Eliza	5.60
Hollon, Hazel	4.24
Hensley, Flossie	4.04
Herald, Sq. Brack	1.00
Ingram, James	5.20
King, Cora	1.00
King, Eddie	1.00
King, Sherman	1.00
Landrum, Letha	2.00
Little, Floyd	2.00

Lovins, Charlie	1.00
McDaniel, Shady	3.00
Oaks, Jess	1.00
Osborne, Enoch	2.00
Salyer, Charlie	9.12
Salyer, Boyd	9.12
Smith, C. C.	9.12
Smith, Arch	1.00
South, America	2.00
Strong, Pete	3.00
Trent, Harry	3.00
Turner, Harvey	2.00
Vires, John D.	2.00
Wilson, Sam	1.00
Young, Cletus	8.64
Goff, J. T.	3.00

That the State Auditor be authorized and directed to draw warrants for said amounts payable to the said A. D. Carpenter from said Fund.

S. Res. 62. A Joint Resolution appropriating from the General Fund of the State of Kentucky Three Hundred Thirty-Two Dollars and Sixty-Six Cents (332.66) for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

Said resolution is as follows, viz:

WHEREAS, on January 20, 1938, the Floyd Circuit Court entered an order directing the Sheriff of Floyd County to convey from the State of Idaho to Floyd County Evan Frasure and Ernest Frasure, fugitives from justice, who were then being held by the officials of the State of Idaho under a

charge of willful murder pending against them in the Floyd Circuit Court, and

WHEREAS, D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, proceeded to Pocatello, Idaho, and returned said prisoners in obedience to said court order, traveling a distance of 4,150 miles and incurred expenses in purchasing railroad tickets and meals for said prisoners, all of which amounted to the sum of $332.66, and

WHEREAS, payment of said claim has been rejected by the State of Kentucky: Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there be and is hereby appropriated from the General Fund of the State of Kentucky the sum of $332.66 for the purpose of paying the said D. P. Dingus for said services rendered.

That the State Auditor be and he is hereby authorized and directed to draw a warrant for said amount payable to said D. P. Dingus from said fund.

S. Res. 36. A Joint Resolution appropriating fifty (50) dollars from the General Fund of the State of Kentucky for the purpose of paying Ben C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of fifty (50) men from Clark County for criminal jury service in the Breathitt Circuit Court.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

WHEREAS, Ben C. Sewell was appointed as special elisor by the Breathitt Circuit Court at its regular October term, 1934, to go from Jackson to Clark County, Kentucky, a distance of eighty miles (80) for the purpose of, and did on the eighteenth (18th) day of November, 1934, summons a

venire of fifty (50) men to render jury service in the Breathitt Circuit Court.

WHEREAS, the said Ben C. Sewell, in performing his services as aforesaid, did labor for the Commonwealth of Kentucky one (1) night and one (1) day and one-half (½) day and paid all his necessary expenses in so doing, which labor and expenses was reasonably worth fifty (50) dollars to the State.

NOW, Be It Resolved that there be and is hereby appropriated out of the General Fund of the State of Kentucky the sum of fifty (50) dollars for the purpose of paying Ben C. Sewell for services and expenses as special elisor of the Breathitt Circuit Court in going to Clark County, Kentucky, and returning and summoning a venire of fifty (50) men for jury service in the said court on a murder trial, the case styled Commonwealth of Kentucky versus Hollan, Dunn, etc., and the Auditor of the State is authorized and directed to draw a warrant on said fund payable to the said Ben C. Sewell for the sum of fifty (50) dollars for his services and expenses aforesaid.

Ordered that said bills and resolutions be printed and referred

To Committee on Rules.

And that they had passed bills and resolutions which originated in this House, entitled:

H. B. 38. An Act to authorize Dr. L. S. Siler to sue the Commonwealth.

H. Res. 15. Resolution to authorize Luther Phillips to sue the Commonwealth.

H. Res. 17. Resolution to authorize Kurt W. Krafft to sue Jefferson county.

H. Res. 33. Resolution to authorize the State Health Department to cooperate with the Public Health Service.

H. Res. 37. Resolution to authorize Ethel Carr to sue the Commonwealth.

H. Res. 38. Resolution authorizing Mrs. Arthur Brown to sue the Commonwealth.

H. Res. 39. Resolution authorizing the personal representative of Dr. Thomas Ralston to sue the Commonwealth.

H. Res. 40. Resolution authorizing Thomas Marshall to sue the Commonwealth.

H. Res. 47. Resolution authorizing Raymond Hall to sue the Commonwealth.

Ordered that said bill and resolutions be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 411. An Act to regulate the business of mining; to provide for the qualification of miners; for examination of miners before examining boards and for the appointment of such boards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after January 1, 1939, it shall be unlawful to employ any person in the work of underground mining for minerals, unless such person so employed shall have worked in such mining business for six months; or shall

be the holder of a certificate of qualification issued by a Board of Mining Examiners hereinafter established; provided that nothing herein shall prohibit the employment of an apprentice or learner in the mining business for a period not exceeding six months preparatory to an examination for a certificate. Any person desiring to take this examination must work with a practical miner for three months before taking this examination.

§ 2. The Chief of the Department of Mines within ninety (90) days from the time this Act takes effect, and with the approval of the Governor, shall divide the Commonwealth into seven or more Examination Districts, so located as to serve conveniently the various mines of the Commonwealth.

§ 3. The Governor on the nomination of the Chief of the Department of Mines and Minerals shall appoint and commission in each Examination District a Board of Mining Examiners to be composed of three members, who shall serve without expense or compensation from public funds, for a term of four (4) years from date of their commission. Each member of said board shall hold a first class certificate as such, and be a resident within his district. The Board shall elect one of its members as Chairman and one as its Secretary and Treasurer. Detailed written records of examinations and tests including physical examinations shall be kept by the Board as public records, admissible in evidence in the Courts. The Rules and Regulations for the government of the Boards and the forms for examination shall be formulated and promulgated by the Department of Mines and Minerals.

§ 4. Persons applying for certificates of qualification as miners shall submit themselves to the Board for mental and physical examination, and for tests touching their knowledge of mining, its usages and customs and safety and first aid to injured, and by the Board found competent, the Board shall issue to such person so passed a certificate in writing showing his qualification.

§ 5. No person shall be examined who has not first paid to the Treasurer of the Board a fee of Two Dollars and Fifty cents ($2.50). The fund accumulated in the hands of the Treasurer shall be held by him and disbursed under orders of the Board for its stationery, traveling expenses and compensation of members and employees.

§ 6. Any person who shall employ any labor in the mining business in violation of this Act shall be guilty of a misdemeanor, and on conviction shall be fined Ten Dollars ($10.00) for each offense; and each day any unlawful act continues, shall be deemed to constitute a separate offense.

Mr. Hunt offered the following amendment to said bill, viz:

Amend H. B. 411 on page 2, section 5, line 2 by striking out the "Two dollars and fifty cents" and adding the words "One dollard" in lieu thereof.

Said amendment was agreed to.

Mr. Hunt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. C. Boyd	G. Samuel Milam	Grover C. Ransom
Herbert Cook	Alton Mitchell	E. A. Rose
Garland Embry	John B. Mollette	Carl M. Taylor
John M. Hunnicutt	Tyler F. Munford	Gabe B. Taylor
W. H. Hunt	Rodes K. Myers	Cass R. Walden
Ben W. Johnson	Alfred A. Naff	John M. Williams
Clyde D. Lester	Homer Neikirk	W. G. Williams
M. T. McCarthy	Mel Petry	Mr. Speaker
T. B. McConnell	Kleber F. Price	—26

Those who voted in the negative were—

Geo. P. Anderson	C. L. Hammons	William T. Rollo
C. P. Bradbury	Ira W. Hulette	Clarence Rush
C. C. Byrne	William K. King	Carl Scheben
J. F. Carr	C. C. May	Leon J. Shaikun
Leonard Carson	Elmer McGlothen	A. Frank Tabb
H. S. Cleveland	William E. Mull	Erna E. Tyra
T. Fowler Combs	Luster C. Oxley	Henry Ward
John C. Cornett	H. O. Porter	H. L. Waterfield
William J. Curtis	Hubert H. Read	L. Roger Wells
Willard Q. Daniel	Thomas Rigdon	R. E. West
F. E. Daugherty	E. S. Robey	J. D. White
Sam Dever	Joe E. Robinson	
Forest C. Easley	John C. Robinson	—37

Mr. Tyra moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk a bill entitled:

H. B. 375. An Act providing regulation and operation of lawful coin machines etc. fixing a tax on said machines

(Said bill having been placed on the Clerk's desk on February 17, the vote by which said bill was rejected on February 15, having been reconsidered)

With a Committee amendment thereto by way of Substitute therefor.

(Said Substitute having been reported by the Committee on Rules on February 24)

(For bill see House Journal of February 15)

Said Substitute as offered by the Committee is as follows, viz:

A Bill providing for the regulation and operation of lawful coin or token operated vending machines or devices; and for carrying into effect the provisions of this Act, and fixing a tax upon said machines or devices; and appropriating funds incident to the enforcement of the provisions of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, owner or lessee of a coin or token operated vending device or equipment to keep, possess, use or exhibit for gain, or operate or permit to be operated, or allow to be kept, used, possessed or operated for gain, such coin or token operated vending device or equipment unless a license has been first procured and a license seal, consecutively numbered, attached as set forth under the provisions of this Act.

It shall be unlawful for any owner or lessee of any premises, building, or appurtenance thereto, boat, ship, air-

plane, vehicle, structure, automobile or any other property, or part thereof to permit the exhibition, operation, possession or use of any coin or token operated vending device or equipment without such license seal being attached thereto.

It shall be unlawful to possess, use or exhibit for or without gain any coin or token operated vending device or equipment unless a license shall have been granted for such coin or token operated vending device.

§ 2. The Commissioner of Revenue shall have full and complete power and authority to issue licenses for the exhibition, possession, operation and use of lawful coin or token operated vending devices and equipment; provided, however, that no license shall be issued for the operation, possession, use or exhibition of any coin or token operated gambling device.

The license, when issued, shall entitle the owner, operator, lessee or possessor thereof to attach the license seal hereinafter provided for, after which he may keep, possess and operate such non-gambling, coin or token operated vending device and equipment at the place and upon the premises set forth in the application. No license issued to an owner shall be transferred or assigned until and unless approved by the Commissioner of Revenue.

No owner, lessee or other person shall alter or otherwise change the mechanism or method of operation of any coin or token operated vending device in any manner after a license shall have been issued therefor, until detailed specification and plans showing such alteration shall have been submitted to the Commissioner of Revenue and the written approval therefor first having been obtained from the Commissioner of Revenue.

A license, when granted, shall be for the current year ending December 31st and shall be renewed for a like period upon payment of the fee and upon compliance with the terms and conditions hereinafter set forth. No license to operat a vend-

ing device or vending devices of the same type as herein provided shall be granted to more than one person for the same place or premises or place of business.

Each and every owner of a coin or token operated vending device which shall be kept, possessed, exhibited, operated or used within the state of Kentucky, prior to the first day of January of each and every year except as otherwise provided herein, shall file, in the office of the Commissioner of Revenue, a written application in triplicate, duly verified, for a license for the period herein provided, on blanks to be furnished by the Commissioner for that purpose, containing the following information:

1. A full and complete description of the coin or token operated vending device sought to be licensed, including detailed plans and specifications thereof and a statement of the character of the coin or substitute therefor (token) used in operating such device; a description of the character and type of merchandise or service issued or rendered by such coin or token operated vending device upon the operation thereof.

2. The name, residence and business address of the owner, possessor, lessee or operator of each and every coin or token operated vending device sought to be licensed, and the city, village or township in which such owner, possessor, lessee or operator resides.

At the time of making and filing such application the applicant shall present for inspection, should the Commissioner of Revenue so require, a sample of such coin or token operated vending device, a sample of the merchandise so vended or service so rendered, and any other information required by the Commissioner of Revenue.

Any person receiving a license hereunder shall, at any time on request of the Commissioner of Revenue furnish a complete list of the number and type of all coin or token operated vending devices owned, possessed, leased or operated by him, together with the locations thereof.

§ 3. The Commissioner of Revenue may issue and deliver to each and every owner of lawful coin or token operated vending devices possessing a good moral character and who has never been convicted of a felony, and whose license hereunder has never been finally revoked, a license as provided in in this Act and a seal, numbered consecutively, for each and every such coin or token operated vending device licensed hereunder. No person heretofore convicted of any felony, shall receive or be permitted to retain any license under the Vending Devise License Act; nor shall any such person have an interest, directly or indirectly, in any license authorized to be issued under the Vending Device License Act.

The form of the license and seal shall be determined and prescribed otherwise by the Commissioner of Revenue.

No coin or token vending device shall be used, exhibited or operated in the state of Kentucky until and unless there shall have been attached thereto a seal duly issued by the Commissioner of Revenue for such device.

§ 4. It shall be mandatory upon the Attorney General to enforce the provisions of this Act and he shall appoint such attorney inspectors as may be necessary for the enforcement of this Act, and shall fix their salaries and compensation and pay the same as hereinafter provided. Such appointees shall act for and on behalf of the Attorney General and shall hold a fiduciary relation to him.

It shall be mandatory upon the Attorney General and the deputies appointed by him, as herein provided, to investigate all proper complaints and make public his findings.

The salaries of the Attorney Inspectors and the necessary expenses incurred by the Attorney General, or any of his subordinaries as provided herein, when approved by the Commissioner of Finance, shall be paid from the treasury of the state of Kentucky on the warrant of the Auditor of the state, except as hereinafter set forth.

When, in the opinion of the Attorney General, it is

deemed advisable and expedient, he may demand of any deputy or other employee provided for in this Act bond in such amount and with such surety as he may prescribe.

1. For each and every coin or token operated vending device or machine costing two cents or more and less than five cents to operate, the sum of five dollars.

2. For each and every coin or token operated vending device or machine costing five cents or more to operate, the sum of ten dollars.

§ 6. Whoever violates any of the provisions of this Act, shall, upon conviction thereof, be fined not less than one hundred dollars, nor more than one thousand dollars, and upon final conviction, all licenses held by the licensee shall automatically be revoked.

The Attorney General and his Attorney Inspectors and the State Police shall have full and complete authority, without any order of any court, to seize and destroy any coin or token operated device possessed, leased, used or operated, for which no license has been obtained or for which the license has been revoked as provided in this Act or bearing a fictitious or counterfeit seal.

Whoever attaches to a coin or token operated device a fictitious seal purporting to be issued by the Commissioner of Revenue or a counterfeit of said seal, shall, upon conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars, and each separate fictitious counterfeit seal so attached or used on a coin or token operated device shall constitute a separate and distinct offense.

§ 7. The Commissioner of Revenue shall have full power and authority to revoke any license issued hereunder, and to recall and destroy any and all seals issued under such license, for any violation by the licensee of any of the provisions of this Act upon report and recommendation of the Attorney General.

§ 8. Coin or token operated vending machines or devices as used and contemplated in this Act shall include and be construed to mean any machine or device, which, as a result of the deposit of a coin or substitute therefor (token) by and through an automatic or mechanical operation, issues or vends value received in the form of any merchandise, goods, chattels, products, performs any service, or imparts any information or data of any kind or nature whatsoever, but shall not be construed to include what are commonly known as cash registers or telephones.

Nothing in this Act shall apply to any vending machine, not used for gambling, that vends commodities at the cost of one cent, nor to any for which the Commonwealth collects an occupational tax for the sale of the commodity in an established business.

Nothing in this Act shall shall apply to lawful coin or token operated vending devices, when such lawful vending devices are kept in the regular place of business of such manufacturers for sale only.

Nothing herein shall be construed as authorizing or legalizing such manufacturers or any other person to operate for gain such lawful coin or token operated vending devices without a license, nor to have in their possession or offer for sale gambling devices.

§ 9. The decision and finding of the Commissioner of Revenue upon any and all matters of discretion, and upon all questions of issuance and revocation of licenses granted hereof, shall be final and conclusive, except that an appeal may be taken from the action of the Commissioner in refusing to grant a license or in revoking a license or an order of confiscation of property, to the Franklin Circuit Court and to the Court of Appeals of Kentucky, as in other civil cases.

§ 10. a. There is appropriated to the Attorney General for the enforcement of the provisions of this Act, the sum not to exceed twenty-five thousand dollars ($25,000.00) to be

disbursed in accordance with the laws relative to other state expenditures.

b. There is appropriated to the Department of Revenue for the enforcement of the provisions of this Act, the sum not to exceed fifteen thousand dollars ($15,000.00) to be disbursed in accordance with the laws relative to other state expenditures.

§ 11. All revenue derived from the operation of this Act, together with all fines, penalties and forfeitures arising from prosecutions, convictions, confiscations, or otherwise under the provisions of this Act shall be paid into the state treasury and the balance thereof remaining after the payment therefrom of the expenses incurred in the administration of this Act shall be credited to the General Revenue Fund.

§ 12. If any provisions of this Act, or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

§ 13. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Myers offered the following amendment to said Substitute, viz:

Amend the Substitute for H. B. 375 by adding on line 18, page 5 the following:

Section 5. Before a license shall be issued to any owner, possessor, lessee or operator, the applicant therefor shall pay to the Commissioner a license fee as follows:

Said amendment was agreed to.

Mr. Neikirk offered the following amendment to said Substitute, viz:

Amend Substitute for H. B. 375 on page 2, sec. 2 line 6

after the word "device" by adding the following "provided that automatic vending machines vending drinking cups or postage stamps and operated on railroad trains, or in a railroad station or public waiting rooms, no licenses shall be charged"

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

William T. Baker	Ferd A. Gnau	Kleber F. Price
B. F. Bedford	C. L. Hammons	Hobart Rayburn
C. P. Bradbury	John M. Hunnicut	Joe E. Robinson
H. S. Cleveland	Clyde D. Lester	John C. Robinson
T. Fowler Combs	M. T. McCarthy	William T. Rollo
G. Cunningham	Jas. H. McKinney	Joe L. Wall
F. E. Daugherty	G. Samuel Milam	W. G. Williams
Sam Dever	Tyler F. Munford	
Forest C. Easley	Rodes K. Myers	—25

Those who voted in the negative were—

Geo. P. Anderson	J. F. Carr	Herbert Cook
Rell Bevins	Leonard Carson	John C. Cornett
F. C. Boyd	George S. Clay	William J. Curtis

Willard Q. Daniel	John B. Mollette	Leon J. Shaikun
L. M. Davisworth	Alfred A. Naff	Parker Sims
Garland Embry	Homer Neikirk	A. Frank Tabb
A. H. Eversole	Mel Petry	Carl M. Taylor
C. A. Hale	Henry Plum	Gabe B. Taylor
Ira W. Hulette	H. O. Porter	Erna E. Tyra
W. H. Hunt	Ed. F. Prichard	Cass R. Walden
William K. King	Grover C. Ransom	Henry Ward
C. C. May	Hubert H. Read	H. L. Waterfield
T. B. McConnell	E. S. Robey	R. E. West
Elmer McGlothen	E. A. Rose	J. D. White
Heman H. McGuire	Clarence Rush	John M. Williams
Stanley C. Moebus	Carl Scheben	Lee Roy Wilson

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Mr. Myers moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 396. An Act authorizing cities of the first, second, third, fourth and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, parks, playgrounds, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, authorizing public officers, public bodies and fiduciaries to purchase and invest in bonds issued pursuant to the Municipal Housing Commission Act, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It has been found and declared in the Municipal

Housing Commission Act that in order to promote and protect the health, safety, morals and welfare of the public it is necessary to authorize and empower cities of the first, second, third, fourth and fifth class to acquire, establish, erect, maintain and operate low-cost housing projects; to vest in municipal housing commissions created as provided in that Act all powers necessary and appropriate that they may engage in low-cost housing and slum-clearance projects; and that such powers therein conferred are essential to the public interest. It is hereby found and declared that the assistance herein provided for municipal housing commissions constitutes a public use and purpose for which public moneys may be spent, and other aid given; that it is a proper public purpose for any Public Body to aid any municipal housing commission operating within its boundaries or jurisdiction or any housing project located therein, as the Public Body derives immediate benefits and advantages from such a commission or project; and that the provisions hereinafter enacted are necessary in the public interest.

§ 2. The following terms, whenever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Housing Commission" shall mean any Housing Commission created pursuant to the Municipal Housing Commission Act of this Commonwealth.

(b) "Housing project" shall mean any work or undertaking of a housing commission pursuant to the Municipal Housing Commission Act, or any similar work or undertaking of the Federal Government.

(c) "Public body" shall mean any city, county, school district, authority, or other political subdivision of the Commonwealth.

(d) "Governing body" shall mean the council, board of commissioners, fiscal court, trustees, committee, commission,

or other body having charge of the fiscal affairs of the Public Body.

(e) "Federal Government" shall mean the United States of America, the United States Housing Authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

§ 3. For the purpose of aiding and co-operating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any Public Body may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its property to a housing commission or the Federal Government;

(b) Cause parks, playgrounds, recreational, community, education, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such Public Body; make exceptions from building regulations and ordinances; any city or town also may change its map;

(e) Enter into agreements, (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a housing commission or the Federal Government respecting action to be taken by such Public Body pursuant to any of the powers granted by this Act;

(f) Cause services to be furnished to the housing commission of the character which such Public Body is otherwise empowered to furnish;

(g) Enter into agreements with a housing commission respecting the elimination of unsafe, insanitary or unfit dwellings; and

(h) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects.

(i) Purchase or legally invest in any of the bonds or other obligations issued pursuant to Section 10 of the Municipal Housing Commission Act, approved March 19, 1934, and any amendments thereto, and exercise all of the rights of any holder of such bonds or other obligations.

(j) With respect to any housing project which a housing commission has acquired or taken over from the Federal Government and which the housing commission by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no Public Body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

(k) In connection with any public improvements made by a Public Body in exercising the powers herein granted, such Public Body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a Public Body without appraisal, public notice, advertisement or public bidding.

§ 4. Any city having a housing commission organized pursuant to the Municipal Housing Commission Act shall have the power from time to time to lend or donate money to such commission or to agree to take such action. Such housing commission, when it has money available therefor, shall make reimbursement for all such loans made to it.

§ 5. The exercise by a Public Body of the powers herein granted may be authorized by resolution of the governing body of such Public Body adopted by a majority of the members of its governing body present at a meeting of said governing body which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or

resolutions shall take effect immediately and need not be laid over or published or posted.

§ 6. The Commonwealth and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan asosciations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued pursuant to Section 10 of the Municipal Housing Commission Act, approved March 19, 1934, and any amendments thereto, it being the purpose of thish section to authorize the investment in such bonds or other obligations of all sinking, insurance, retirement, compensation, pension, and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this section may be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

§ 7. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

§ 8. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

§ 9. In view of the existence in cities of the first, second, third, fourth and fifth class of a shortage of safe and sanitary dwelling accommodations for persons of low income, and

whereas it is urgent and necessary that this legislation be immediately enacted to enable the Commonwealth to accept the benefits afforded by the Federal Government pursuant to the United States Housing Act of 1937, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Forest C. Easley	Mel Petry
J. Everett Bach	Garland Embry	Henry Plum
William T. Baker	A. H. Eversole	Kleber F. Price
B. F. Bedford	Ferd A. Gnau	Ed F. Prichard
Rell Bevins	C. A. Hale	Grover C. Ransom
F. C. Boyd	Ira W. Hulette	Hobart Rayburn
C. P. Bradbury	W. H. Hunt	Thomas Rigdon
C. C. Byrne	Clyde D. Lester	E. S. Robey
J. F. Carr	C. C. May	William T. Rollo
Leonard Carson	M. T. McCarthy	E. A. Rose
George S. Clay	Elmer McGlothen	Clarence Rush
T. Fowler Combs	Jas. H. McKinney	Carl Scheben
Herbert Cook	G. Samuel Milam	Parker Sims
G. Cunningham	Stanley C. Moebus	Wm. St. C. Stuart
William J. Curtis	William E. Mull	A. Frank Tabb
F. E. Daugherty	Tyler F. Munford	Carl M. Taylor
L. M. Davisworth	Alfred A. Naff	Gabe B. Taylor
Sam Dever	Homer Neikirk	Erna E. Tyra

Cass R. Walden	H. L. Waterfield	W. G. Williams	
Joe L. Wall	R. E. West		
Henry Ward	John M. Williams		—61

Resolved that the title thereof be as aforesaid—

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation; providing for the remedies and procedure in connection with action taken under such ordinances and for other related purposes; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby found and declared that the existence and occupation of dwellings in the municipalities of this Commonwealth which are unfit for human habitation are inimical to the welfare, and dangerous and injurious to the health, safety and morals, of the people of this Commonwealth, and that a public necessity exists for the repair or elimination of such dwellings. Whenever any municipality of this Commonwealth finds that there exist in such municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fires, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings

unsafe and insanitary and dangerous or detrimental to the health, safety or morals, or are otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to exercise its police powers to remedy or eliminate the aforesaid conditions in the manner herein provided.

§ 2. Upon the adoption of an ordinance finding that dwelling conditions of the character described in Section 1 hereof exist within a municipality, the governing body of such municipality is hereby authorized to adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinances shall include the following provisions:

(a) That a public officer be designated or appointed to exercise the powers prescribed by the ordinances.

(b) That whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(c) That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue

and cause to be served upon the owner thereof an order requiring him (to the extent and within the time specified in the order) to repair, alter or improve the said dwelling to render it fit for human habitation or, at the option of the owner, to vacate and close the dwelling as a human habitation.

(d) That, if the owner fails to comply with such order within the time prescribed, the public officer may cause the dwelling to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Any person who shall rent, lease, or occupy, or who shall permit any person to rent, lease or occupy such building for a human habitation shall be liable for such fine as may be prescribed by the ordinances of the municipality.

(e) That if, after notice and hearing, the public officer determines that a dwelling is in such condition (because of dilapidation, disrepair, structural defects, or otherwise) that it is dangerous or injurious to the health or safety of the public or the occupants of dwellings or the occupants of neighboring dwellings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve the said dwelling to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such dwelling; that if the owner fails to comply with such order within the time prescribed, the public officer may cause such dwelling to be repaired, altered or improved in accordance with the order, or, if such repairs, alterations or improvements cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), said public officer may cause such dwelling to be removed or demolished; and the cost of

such repairs, alterations, improvements or removal, or demolition, shall be a lien against such real estate and assessed and collected as a special tax. If the building is removed or demolished by the public officer, he may sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Circuit Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such Court; Provided, however, that nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

§ 3. An ordinance adopted by a municipality under this Act shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwellings which are dangerous or injurious to the health, safety or morals of the persons using such dwellings for human habitation or to the public; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects, uncleanliness. Such ordinance may provide additional standards to guide the public officer, or his agents, in determining the fitness of a dwelling for human habitation.

§ 4. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Act shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same

once each week for two successive weeks in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notices in the county in which the dwelling is located and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

§ 5. Any person affected by an order issued by the public officer may apply to the Circuit Court for an injunction restraining the public officer from carrying out the provisions of the order, and the Court, or any judge thereof, may, upon such application, issue an order restraining the public officer pending final disposition of the cause. Hearings shall be had by the court on such applications within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the Court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken by the public officer under such order or because of non-compliance therewith.

§ 6. An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including

the following powers in addition to others herein granted: (a) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation; (b) to administer oaths, affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible convenience to the persons in possession; (d) to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinance; and (e) to delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

§ 7. The governing body of any municipality adopting an ordinance under this Act shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in such municipality for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of its ordinances adopted under this Act; and any such municipality is authorized to make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of such ordinances.

§ 8. The following terms whenever used or referred to in this Act shall have the following respective meanings for the purposes of this Act, unless a different meaning clearly appears from the context:

(a) "Municipality" shall mean any city of the first, second, third, fourth or fifth class in this Commonwealth.

(b) "Governing body" shall mean the general council, board, or commissioners, or other legislative body, charged with governing a municipality.

(c) "Public officer" shall mean the officer or officers who are authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinance and by this Act.

(d) "Public authority" shall mean any housing commission of a municipality, or any officer who is in charge of any department or branch of the government of the municipality or Commonwealth relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(e) "Owner" shall mean the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record or who is in possession of a dwelling, or any person in control of a dwelling, or the agent of any such person.

(f) "Parties in interest" shall mean individuals, associations or corporations who have an interest of record in or who are in possession of a dwelling.

(g) "Dwelling" means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith.

§ 9. Nothing in this Act shall be construed to abrogate or impair the powers of the courts or of any department of any city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

§ 10. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

§ 11. Whereas the powers conferred hereby are urgent and necessary to enable cities of the first, second, third, fourth and fifth class to provide for the remedying or elimination of dwelling accommodations which are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of the Commonwealth, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	L. M. Davisworth	William E. Mull
J. Everett Bach	Sam Dever	Tyler F. Munford
William T. Baker	Forest C. Easley	Alfred A. Naff
B. F. Bedford	Garland Embry	Homer Neikirk
Rell Bevins	A. H. Eversole	Mel Petry
F. C. Boyd	Ferd A. Gnau	Henry Plum
C. P. Bradbury	C. A. Hale	Kleber F. Price
C. C. Byrne	Ira W. Hulette	E. F. Prichard
J. F. Carr	W. H. Hunt	Grover C. Ransom
Leonard Carson	Clyde D. Lester	Hobart Rayburn
George S. Clay	C. C. May	Thomas Rigdon
T. Fowler Combs	M. T. McCarthy	E. S. Robey
Herbert Cook	Elmer McGlothen	William T. Rollo
G. Cunningham	J. H. McKinney	E. A. Rose
William J. Curtis	G. Samuel Milam	Clarence Rush
F. E. Daugherty	Stanley C. Moebus	Carl Scheben

Parker Sims	Erna E. Tyra	R. E. West
Wm. St. C. Stuart	Cass R. Walden	John M. Williams
A. Frank Tabb	Joe L. Wall	W. G. Williams
Carl M. Taylor	Henry Ward	
Gabe B. Taylor	H. L. Waterfield	—61

Resolved that the title thereof be as aforesaid—

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act as amended, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations as collateral or deposit security where required by any statute of this State; and repealing Chapter 11 of the Acts of the General Assembly of 1936; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, and trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, are authorized:

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for credit insurance by the Federal Housing Administrator, and to obtain such insurance.

(b) To make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and to obtain such insurance.

§ 2. It shall be lawful for banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, the State of Kentucky and any of its political subdivisions, or any agency or instrumentality thereof, to invest their funds and the moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, and in debentures issued by the Federal Housing Administrator, and also in securities issued by National Mortgage Associations.

§ 3. Wherever, by statute of this State, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, notes or bonds secured by mortgage or trust deed insured and debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations shall be considered eligible securities for such purpose.

§ 4. No law of this State requiring security upon which

loans or investments may be made, or prescribing the nature, amount or form of such security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall be deemed to apply to loans or investments made pursuant to the provisions of this Act.

§ 5. This Act shall be construed as powers additional to and not in derogation of existing laws.

§ 6. Chapter 11 of the Acts of the regular session of the 1936 General Assembly of Kentucky, hereby is repealed.

§ 7. Whereas the Congress of the United States has enacted a law entitled the "National Housing Act," and certain amendments to said Act, to relieve unemployment by providing a system of mutual mortgage insurance and encouraging the construction of new homes and the improving of housing standards and conditions, and to prevent a recurrence of a collapse of the mortgage market and the distressed selling of homes by providing for national mortgage associations to assist in refinancing mortgages and to furnish a liquid market therefor, and whereas many investing institutions organized under the laws of this State are not authorized to invest in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator or in securities of national mortgage associations, and the market for said notes, bonds and securities is limited by the absence of such authority, and whereas the said notes, bonds and other securities will provide a safe and readily marketable investment for all investors of this State by reason of the insurance fund and the supervision provided for by the National Housing Act, as amended, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Munford moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Ferd A. Gnau	Thomas Rigdon
J. Everett Bach	C. A. Hale	E. S. Robey
William T. Baker	Ira W. Hulette	William T. Rollo
B. F. Bedford	W. H. Hunt	E. A. Rose
Rell Bevins	Clyde D. Lester	Clarence Rush
F. C. Boyd	C. C. May	Carl Scheben
C. P. Bradbury	M. T. McCarthy	Parker Sims
C. C. Byrne	Elmer McGlothen	Wm. St. C. Stuart
J. F. Carr	J. H. McKinney	A. Frank Tabb
Leonard Carson	G. Samuel Milam	Carl M. Taylor
George S. Clay	Stanley C. Moebus	Gabe B. Taylor
T. Fowler Combs	William E. Mull	Erna E. Tyra
Herbert Cook	Tyler F. Munford	Cass R. Walden
G. Cunningham	Alfred A. Naff	Joe L. Wall
William J. Curtis	Homer Neikirk	Henry Ward
F. E. Daugherty	Mel Petry	H. L. Waterfield
L. M. Davisworth	Henry Plum	R. E. West
Sam Dever	Kleber F. Price	John M. Williams
Forest C. Easley	E. F. Prichard	W. G. Williams
Garland Embry	Grover C. Ransom	
A. H. Eversole	Hobart Rayburn	—61

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Clay moved that the Rules of this House be suspended and that the vote by which a bill entitled:

H. B. 423. An Act to repeal and amend Kentucky Statutes, relating to redistricting the State of Kentucky transferring the county of Cumberland from the third appellate district, to the second.

Was rejected on February 24,

Be reconsidered.

Said motion was seconded by Mr. Ward.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hammons and Neikirk, were as follows, viz:

Those who voted in the affirmative were—

C. P. Bradbury	Chas. P. Farnsley	Elmer McGlothen
George S. Clay	Ferd A. Gnau	Tyler F. Munford
H. S. Cleveland	C. A. Hale	Rodes K. Myers
T. Fowler Combs	Ira W. Hulette	Luster C. Oxley
Norman A. Curtis	John M. Hunnicutt	Mel Petry
William J. Curtis	William K. King	H. O. Porter
F. E. Daugherty	Clyde D. Lester	Kleber F. Price
Sam Dever	C. C. May	Thomas Rigdon
Forest C. Easley	M. T. McCarthy	Joe E. Robinson

John C. Robinson	A. Frank Tabb	John M. Williams
E. A. Rose	W. R. Tapp	W. G. Williams
Carl Scheben	Gabe B. Taylor	Mr. Speaker
Parker Sims	Joe L. Wall	
Wm. St. C. Stuart	Henry Ward	—40

Those who voted in the negative were—

Geo. P. Anderson	C. L. Hammons	Hubert H. Read
J. Everett Bach	W. H. Hunt	Clarence Rush
B. F. Bedford	Carl Lyttle	Leon J. Shaikun
Rell Bevins	H. H. McGuire	Carl M. Taylor
F. C. Boyd	Alton Mitchell	Erna E. Tyra
J. F. Carr	Stanley C. Moebus	Cass R. Walden
Leonard Carson	John B. Mollette	H. L. Waterfield
Herbert Cook	Alfred A. Naff	R. E. West
John C. Cornett	Homer Neikirk	J. D. White
L. M. Davisworth	Ed F. Prichard	Lee Roy Wilson
Garland Embry	Grover C. Ransom	Terrill A. Wilson
A. H. Eversole	Hobart Rayburn	—35

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 426. An Act providing for the making of district reduction loans by building and loan associations, incorporated under the laws of Kentucky, defining the rights and obligations of the borrower, and providing for the method of re-payment of the loans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Building and Loan Associations, incorporated under the laws of the Commonwealth of Kentucky may also make loans on the Direct Reduction Plan. All said loans shall bear interest at such rate and be payable in equal weekly or

monthly installments, and for such length of time as the Board of Directors may determine. The applicant for such loans shall subscribe for shares or fractional shares of stock, equal, when paid up, to the amounts of such loans. Payment of dues and interest shall be credited upon such loan and shares in accordance with the direct reduction plan adopted. In consideration of making such loans upon such plan on dividend shall be declared or paid or credited upon amounts credited as dues or principal upon such loans, but all payments, made on said loans shall be first applied to interest due to date of respective payments and the balance applied as dues on principal, and interest shall be collected only on such balance. When the amount paid in as dues and credited as payment on such shares as calculated shall equal the value of a share or shares, such shares shall be considered paid in full and automatically canceled, but such cancellation shall in no manner affect or reduce the stipulated weekly or monthly installment payments provided to be paid in the note or mortgage given to evidence and secure the payment of said loan.

When any such installment becomes due and remains unpaid for six weeks after the same becomes due and payable, then all the balance of such installments, both due and to become due, shall immediately become due and payable at the option of the holder of such note, and said borrower shall be notified of said delinquency, and payment of same demanded, in writing by mail with postage prepaid to the address of said borrower as same appears on the books of the association and if said delinquent payments of principal and interest are not paid within thirty (30) days from the mailing of said notice, then all moneys paid in as dues or principal and such shares, may be forfeited by said association and applied first to the payment of interest due and the balance on principal and suit brought to enforce payment of said note and said mortgage, according to law.

Mr. Scheben offered the following amendment to said bill, viz:

Amend H. B. 426 on page 2, line 18 by striking out the words "weekly"

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Mollette and McGuire, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	C. A. Hale	Joe E. Robinson
Rell Bevins	John M. Hunnicutt	John C. Robinson
C. P. Bradbury	W. H. Hunt	William T. Rollo
C. C. Byrne	William K. King	Carl Scheben
J. F. Carr	Carl Lyttle	Leon J. Shaikun
George S. Clay	C. C. May	Parker Sims
T. Fowler Combs	Stanley C. Moebus	Wm. St. C. Stuart
John C. Cornett	John B. Mollette	W. R. Tapp
Norman A. Curtis	Tyler F. Munford	Gabe B. Taylor
William J. Curtis	Luster C. Oxley	Erna E. Tyra
Willard Q. Daniel	Mel Petry	R. E. West
F. E. Daugherty	H. O. Porter	J. D. White
Sam Dever	Kleber F. Price	John M. Williams
Forest C. Easley	Grover C. Ransom	W. G. Williams
Garland Embry	Hobart Rayburn	Lee Roy Wilson
Ferd A. Gnau	Thomas Rigdon	

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Those who voted in the negative were—

William T. Baker	M. T. McCarthy	Clarence Rush
A. H. Eversole	H. H. McGuire	
Ira W. Hulette	Alton Mitchell	

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Mr. Scheben offered the following amendment to said bill, viz:

Amend H. B. 426 on page 1, line 4 by striking out the word "weekly or"

Said amendment was agreed to.

Mr. Scheben moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	John C. Cornett	Ira W. Hulette
J. Everett Bach	Norman A. Curtis	John M. Hunnicutt
William T. Baker	William J. Curtis	William K. King
B. F. Bedford	Willard Q. Daniel	Clyde D. Lester
Rell Bevins	F. E. Daugherty	Carl Lyttle
C. P. Bradbury	L. M. Davisworth	C. C. May
C. C. Byrne	Sam Dever	Elmer McGlothen
J. F. Carr	Forest C. Easley	H. H. McGuire
Leonard Carson	Garland Embry	J. H. McKinney
George S. Clay	A. H. Eversole	Stanley C. Moebus
H. S. Cleveland	Ferd A. Gnau	John B. Mollette
T. Fowler Combs	C. A. Hale	William E. Mull
Herbert Cook	C. L. Hammons	Tyler F. Munford

Alfred A. Naff	William T. Rollo	Erna E. Tyra
Luster C. Oxley	Clarence Rush	Joe L. Wall
Mel Petry	Carl Scheben	Henry Ward
H. O. Porter	Leon J. Shaikun	H. L. Waterfield
Kleber F. Price	Parker Sims	L. Roger Wells
Grover C. Ransom	Wm. St. C. Stuart	R. E. West
Hobart Rayburn	A. Frank Tabb	J. D. White
Thomas Rigdon	W. R. Tapp	John M. Williams
Joe E. Robinson	Carl M. Taylor	W. G. Williams
John C. Robinson	Gabe B. Taylor	—68

There voted in the negative—

M. T. McCarthy —1

Mr. Scheben offered the following amendment to the title of said bill, viz;

Amend the title to H. B. 426 by striking out the word "district" in first line of the title and inserting in lieu thereof the word "direct"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Scheben moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 380. An Act providing for the control of the Japanese beetle; imposing certain powers and duties on the Agricultural Experiment Station; providing penalties, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to protect the agricultural and horticultural crops of the Commonwealth from the ravages of the Japanese beetle (Popillia japonica) that may have been or may hereafter be within the Commonwealth of Kentucky which would seriously and destructively infest any area in the State in which it may be found, the Kentucky Agricultural Experiment Station through its Entomologist is hereby empowered to adopt and carry out such control measures as are deemed advisable.

§ 2. The Entomologist or his authorized agent shall have free access, upon previous application, within reasonable hours to any premises or containers for purposes of trapping beetles, inspecting for beetles, investigating beetles, or treating the premises for the control of the Japanese beetle. The Entomologist may employ help, purchase materials, promulgate and enforce such rules and regulations as in his discretion are necessary to accomplish the purposes of this act.

§ 3. Any person hindering the efforts of the Entomologist or his agents in carrying out the provisions of this act is guilty of a misdemeanor and subject to a fine of not less than five dollars or more than one hundred dollars for each offense, or imprisonment not exceeding ten days, or both fine and imprisonment in discretion of court or jury trying the case, and each day's hindering or refusal of access shall constitute a separate offense.

§ 4. As the Japanese beetle sought to be exterminated herein has only been discovered in the State of Kentucky this year and treatment for eradication will have to be applied within the next thirty days an emergency is declared to exist and this act shall take effect and be in force immediately after its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	A. H. Eversole	Grover C. Ransom
J. Everett Bach	Ferd A. Gnau	Hubert H. Read
William T. Baker	C. A. Hale	Thomas Rigdon
Rell Bevins	C. L. Hammons	Joe E. Robinson
F. C. Boyd	Ira W. Hulette	William T. Rollo
C. P. Bradbury	John M. Hunnicutt	E. A. Rose
C. C. Byrne	W. H. Hunt	Clarence Rush
J. F. Carr	William K. King	Leon J. Shaikun
Leonard Carson	Clyde D. Lester	Wm. St. C. Stuart
George S. Clay	H. H. McGuire	A. Frank Tabb
H. S. Cleveland	J. H. McKinney	Carl M. Taylor
T. Fowler Combs	Alton Mitchell	Erna E. Tyra
Herbert Cook	Stanley C. Moebus	Joe L. Wall
John C. Cornett	John B. Mollette	Henry Ward
Norman A. Curtis	William E. Mull	H. L. Waterfield
William J. Curtis	Homer Neikirk	L. Roger Wells
Willard Q. Daniel	Luster C. Oxley	R. E. West
F. E. Daugherty	Mel Petry	J. D. White
Sam Dever	Henry Plum	John M. Williams
Forest C. Easley	H. O. Porter	Lee Roy Wilson
Garland Embry	Kleber F. Price	Terrill A. Wilson

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Resolved that the title thereof be as aforesaid—

Mr. Farnsley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in that body entitled:

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, on the 21st of October, 1937 about 8:30 A. M. John R. Clarke, Jr. and his wife Edith S. Clarke of Jackson, Breathitt County, Kentucky, were injured and the car of John R. Clarke, Jr., was practically demolished while John R. Clarke, Jr. was driving his car West on Highway No. 60 at a point about fifteen miles East of Morehead in Carter County, Kentucky.

WHEREAS, at the time of said accident Mr. Carol Ratliff, the right-of-way agent for the State Highway Department, while acting in the scope of his employment and upon the duties of the said Highway Department, negligently and carelessly caused the State Highway Department car to run into and collide with the car of John R. Clarke, Jr. causing John R. Clarke, Jr. and his wife, Edith S. Clarke to be injured, from which injuries they were compelled to have medical attention and suffered great pain for a long period of time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John R. Clarke, Jr. and Edith S. Clarke, his wife, be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or both or either of them in the Circuit Court of Carter County, Kentucky, for such damages as they suffered by reason of personal injuries and property damage caused and brought

about by the carelessness and negligence of the State Highway Commission, its agents or employees.

That said suit shall be for an amount not exceeding the amount of Twenty Five Hundred ($2500.00) Dollars, and in the event any judgment is recovered by John R. Clarke, Jr. and his wife Edith S. Clarke, in said suit for said personal injuries and property damage, or the same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered herein as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way and manner as any other civil suit.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one Robert Johnson was employed as a laborer by the State Highway Department and became physically incapacitated to perform said work and Jasper Johnson, with the consent and by agreement of the State Highway Foreman in charge of said work, was substituted for said Robert Johnson, and performed and was engaged in performing work and labor for the Commonwealth of Kentucky and the State Highway Commission, and on July 13, 1935, on State Highway Number 52 in Lee County, Kentucky, while in the course of his employment and performance of the duties thereof and while riding in a vehicle being driven by another employee of the Commonwealth of Kentucky and the State Highway Commission a collision with another vehicle occurred in which the said Jasper Johnson was thrown from said vehicle to the

pavement of the State Highway and sustained injuries from which he died;

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said Jasper Johnson was not placed on the payroll and employment roll of the State Highway Department and the name of the said Jasper Johnson was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and personal representative of the said Jasper Johnson can not therefore be made under the provisions of the Workmen's Compensation Law,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of Jasper Johnson, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, if any there be; and in the event any judgment in such action is recovered by the personal representative of the said Jasper Johnson, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as any other civil case.

§ 3. Said action may be brought in the Lee Circuit Court or any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hun-

dred ($100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-five ($75.00) Dollars for burial expenses, and Four Thousand ($4,000.00) Dollars for the death of the said Jasper Johnson, or a total of Four Thousand One Hundred Seventy-five ($4,175.00) Dollars.

S. Res. 44. Resolution, authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

Said resolution is as follows, viz:

Whereas on or about August 16th, 1937, Myrtle Cade, a resident of Morgantown, Butler County, Kentucky, and an employee of the W.P.A. while returning from her work, was run over and knocked a considerable distance and injured on Highway 71 near Morgantown, Ky. Wherein, it is claimed that while Myrtle Cade was crossing or walking along said highway, she was struck and injured, both legs being broken, and other serious bodily injuries by a truck operated by one of the employees of the State Highway Commission, in a very careless negligent and reckless manner, and driving at an excessive and dangerous rate of which prevented proper control of the truck and but for said speed and recklessness said accident would not have happened.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Myrtle Cade be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky or the State Highway Commission or both of them in the Franklin Circuit Court for such damages as she may have sustained, if any, by reason of injury to her head, body and limbs, caused by the negligence of the Commonwealth of Ky. or the State Highway Commission their agents, servants or employees; and in the event any judgment is recovered by the said Cade in said suit, same shall be paid by the Treasurer of the Com-

monwealth of Kentucky on warrants from the auditor, to be paid out of the general fund and both the said Cade and the Commonwealth of Kentucky or the State Highway Commission shall have the right to appeal said case.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the 17th day of December, One Thousand Nine Hundred and Thirty-Six, an automobile belonging to the Kentucky Children's Home Society, a Kentucky corporation, was struck and damaged on Seventh Street, near the Latham Hotel in Hopkinsville, Christian County, Kentucky, by a truck numbered 234 and bearing 1936 Kentucky license number 36T-3-073, belonging to the Department of Highways, and being then and there operated in a careless and negligent manner by employees of said Department in the performance of their duties;

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky that the Kentucky Children's Home Society, a Kentucky corporation, be and it is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Franklin Circuit Court, for damages arising from the negligence of employees of the Department of Highways of Kentucky. Said suit shall be for any amount not exceeding the sum of One Hundred Sixty-Four Dollars and Ten Cents ($164.10), and in the event any judgment is recovered by the said Kentucky Children's Home Society in said action, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky, and State Highway Department.

Said resolution is as follows, viz:

WHEREAS, during the year 1933 the State Department of Roads and Highways of the Commonwealth of Kentucky, in construction of what is now known as State Highway No. 138, running from Calhoun, to Livermore, in McLean County, Kentucky, so constructed said highway as to change a natural water course so that it caused twenty acres of rich farm lands of said Johnson and Appman to overflow to their great damage, said twenty acres of land being worth forty dollars per acre or a total of $400.00 and

WHEREAS, said owners have unsuccessfully sought to have the State Highway Engineers change such road, as then constructed, so that said damage would no longer exist, and

WHEREAS, said Johnson and Appman are claiming $400.00 with interest at 6% from January, 1933 until paid,

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. D. Johnson and George Appman be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Roads and Highways in the McLean Circuit for said sum of $800.00; with interest from January 1933 until paid, and in the event a judgment in any sum is recovered that same be paid by the auditor of the State of Kentucky by warrant on the State Treasurer, without execution being issued, but the judgment shall not exceed $400.00, with 6% interest from January 1, 1933, and the Commonwealth shall have the right to appeal, the same as the plaintiffs, and the same as in any other case.

S. Res. 54. Resolution authorizing F. W. Childers to sue

the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the twenty-eight (28) day of October, one thousand nine hundred thirty-seven (1937), F. W. Childers was traveling on the Frankfort and Georgetown Pike in Franklin County, Kentucky, and while traveling upon said highway a State Highway truck operated by an employee of the State and while acting within the scope of his employment for the State negligently and carelessly ran into and against the automobile operated by the said Childers, damaging it to the extent of three hundred ($300.00) dollars; injuring the said Childers upon the face, nose, breast and legs; causing him to suffer great pain; incur medical bills; and lose time from his work, all to his damage in the sum of two hundred and fifty ($250.00) dollars, all of which was brought about by the sole negligence and carelessness of the driver of said truck as above stated.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That F. W. Childers, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Franklin Circuit Court, the county wherein said accident happened, for the damages to his automobile not to exceed the sum of three hundred ($300.00) dollars; for damages for personal injuries to himself, loss of time from work, doctor's bills, physical suffering and pain, not to exceed for personal injuries, loss of time, doctor's bills, physical suffering and pain, two hundred and fifty ($250.00) dollars. In the event any judgment is recovered by the said Childers in said suit, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund. The case may be settled or com-

promised, with the consent and approval of the Attorney General of Kentucky.

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

Whereas, W. W. Robertson is now and was during all the times herein mentioned the owner of a certain tract of real estate located in the city of Mayfield, Graves County, Kentucky, consisting of approximately 140x152 feet, and upon which there is located four frame residences; and

Whereas, the State Highway Commission (now Department of Highways) in the construction of the overhead bridge which crosses the tracks of the Illinois Central Railroad Company, near the northern city limits of the City of Mayfield, Kentucky, and the approaches thereto, took about 1000 square feet of the above mentioned property across the front thereof in the construction of the approaches to said overhead bridge and closed up the public street in front of said property, thereby injuring and damaging the balance of said property; and

Whereas, said State Highway Commission (now Department of Highways), nor any other person, has paid any compensation to the said W. W. Robertson for the taking of said property, or for the closing of said street, or for the injury and damage to his remaining property, Now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Robertson be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both of them, in any sum not in

excess of $1500.00 as the reasonable compensation for the taking of said property, for the closing of said street, and for the injury and damage to the rest of his property by the State Highway Commission (now Department of Highways).

§ 2. That the action herein authorized and permitted may be brought in the Graves Circuit Court, the situs of the property, and shall be commenced within one year from the passage hereof.

§ 3. That any party to said action may appeal from any judgment which may be rendered by the Graves Circuit Court to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Ordered that said resolutions be printed and referred

To Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 358. An Act providing for the levy of a tax by Cities of the First Class to provide a fund for Boards of Education in Cities of the First Class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing buildings and the complete equipping thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to other taxes now levied by Cities of the First Class for school purposes, said Cities shall annually levy a tax of not less than 4 cents nor more than 10

cents on each One hundred ($100) dollar valuation of property assessed by said Cities, to provide a fund for Boards of Education in Cities of the First Class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing buildings and the complete equipping thereof.

§ 2. The proceeds from said taxes when collected by said Cities shall be paid over to the Boards of Education in said Cities, and may be accumulated over a period of years. Such taxes shall be kept in a separate account designated as "School Building Fund", and shall be used only for the purposes enumerated in Section 1 hereof, and at such times as the Board shall determine.

§ 3. Said fund shall be kept in the selected depository or depositories of the Boards, or invested in bonds of the United States Government, Commonwealth of Kentucky or of said Cities of the First Class. Such bonds may be sold by the Boards when necessary to provide cash for said building fund.

§ 4. All expenditures from said fund for the purchase of sites, for the erection of school buildings and the equipping thereof, or the alteration or enlargement and equipping thereof, shall be made in accordance with the general school laws of the Commonwealth of Kentucky.

§ 5. The Boards of Education in said Cities shall annually file a report with the Mayor thereof, showing the condition of said fund, together with a detailed report of all expenditures.

Mr. Ward offered the following amendment to said bill, viz:

Amend H. B. 358 on page 1, section 1, line 2 by striking out the word "shall" and inserting in lieu therefor the word "may"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Ed F. Prichard
B. F. Bedford	C. L. Hammons	Hobart Rayburn
Rell Bevins	Ira W. Hulette	Thomas Rigdon
F. C. Boyd	John M. Hunnicutt	Joe E. Robinson
C. C. Byrne	W. H. Hunt	William T. Rollo
J. F. Carr	Clyde D. Lester	E. A. Rose
Leonard Carson	M. T. McCarthy	Carl Scheben
George S. Clay	Elmer McGlothen	Leon J. Shaikun
T. Fowler Combs	J. H. McKinney	Wm. St. C. Stuart
Herbert Cook	Alton Mitchell	A. Frank Tabb
John C. Cornett	Stanley C. Moebus	Carl M. Taylor
G. Cunningham	William E. Mull	Gabe B. Taylor
Willard Q. Daniel	Tyler F. Munford	Erna E. Tyra
F. E. Daugherty	Rodes K. Myers	Cass R. Walden
L. M. Davisworth	Alfred A. Naff	Joe L. Wall
Sam Dever	Homer Neikirk	R. E. West
Forest C. Easley	Luster C. Oxley	J. D. White
A. H. Eversole	Henry Plum	John M. Williams
Ferd A. Gnau	Kleber F. Price	Lee Roy Wilson

—57

There voted in the negative—

Terrill A. Wilson —1

Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 269. An Act to repeal and re-enact sections 3011, 3011A, 3012, and 3013 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision relating to licenses of cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3011, 3011A, and 3012, and 3013 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class, be and the same hereby are repealed and re-enacted so that said sections of the Statute when so repealed and re-enacted shall read as follows:

§ 2. Pursuant to the authority conferred by section 2980 of the Kentucky Statutes, the Board of Aldermen of cities of the first class, shall, by ordinance provide, in addition to ad valorem taxation, for licensing any business, trade, occupation, calling, or profession and the using or holding, or exhibiting of any animal, article, or other thing, and shall fix in each case a license fee; all such license fees shall be paid into the Sinking Fund of such city.

§ 3. Each ordinance of any city of the first class imposing a license tax, shall fix the rate or fee to be paid therefor, by the licensee, and shall also prescribe a penalty for engaging in, or conducting any business, trade, occupation,

calling, or profession or using or holding or exhibiting of any animal, article, or other thing without having first procured a license, when required by ordinance to do so.

§ 4. All licenses shall be paid for in advance, in lawful money of the United States.

§ 5. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

§ 6. Inasmuch as it is necessary to increase the resources of the Sinking Fund of cities of the first class to pay the bonded debt of such cities at the earliest possible date, an emergency exists and is hereby declared, and this act shall take effect from and after its approval by the Governor.

Mr. Gnau offered the following amendment thereto by way of Substitute therefor, viz:

Substitute for H. B. 269.

An Act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class, be and the same hereby is repealed.

Section 2. Inasmuch as it is necessary to increase the resources of the Sinking Fund of cities of the first class to pay the bonded debt of such cities at the earliest possible date, an emergency exists and is hereby declared, and this act shall take effect from and after its approval by the Governor.

Said Substitute was then adopted.

Mr. Gnau moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Ed F. Prichard
B. F. Bedford	C. L. Hammons	Hobart Rayburn
Rell Bevins	Ira W. Hulette	Thomas Rigdon
F. C. Boyd	John M. Hunnicutt	Joe E. Robinson
C. C. Byrne	W. H. Hunt	William T. Rollo
J. F. Carr	Clyde D. Lester	E. A. Rose
Leonard Carson	M. T. McCarthy	Carl Scheben
George S. Clay	Elmer McGlothen	Leon J. Shaikun
T. Fowler Combs	J. H. McKinney	Wm. St. C. Stuart
Herbert Cook	Alton Mitchell	A. Frank Tabb
John C. Cornett	Stanley C. Moebus	Carl M. Taylor
G. Cunningham	William E. Mull	Gabe B. Taylor
Williard Q. Daniel	Tyler F. Munford	Erna E. Tyra
F. E. Daugherty	Rodes K. Myers	Cass R. Walden
L. M. Davisworth	Alfred A. Naff	Joe L. Wall
Sam Dever	Homer Neikirk	R. E. West
Forest C. Easley	Luster C. Oxley	J. D. White
A. H. Eversole	Henry Plum	John M. Williams
Ferd A. Gnau	Kleber F. Price	Lee Roy Wilson

—57

There voted in the negative—

Terrill A. Wilson —1

Resolved that the title thereof be as amended.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 388. An Act to amend and re-enact Section one hundred sixty-five a-nine (165a-9) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to fees for examination of banks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one hnudred sixty-five a-nine (165a-9) of Carroll's Kentucky Statutes one thousand nine hundred thirty-six (1936) Edition, be and the same is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows:

For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar ($1.00) shall be paid by such institution to the Director of the Division of Banking.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the Director of the Division of Banking the following fees, to-wit:

On each bank, trust company or combined bank and trust company having assets of not more than $300,000 a flat fee of

$25.00; institutions having assets of $300,000 and not more than $600,000 a flat fee of $30.00; on each institution having assets of $600,000 and not more than $1,000,000 a flat fee of $40.00; on each institution having assets of $1,000,000 and not more than $2,000,000 a flat fee of $60.00; on each of said institutions having assets of $2,000,000 and not more than $4,000,000 a flat fee of $100.00; and on each of said institutions having assets of $4,000,000 or more a flat fee of $200.00. Provided, however, that a fee of $50.00 shall be paid to the Director of the Division of Banking for the investigation and examination incident to the granting of a charter to a proposed new bank.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. F. Bedford	John C. Cornett	John M. Hunnicutt
Rell Bevins	G. Cunningham	W. H. Hunt
F. C. Boyd	Norman A. Curtis	William K. King
C. P. Bradbury	Willard Q. Daniel	Clyde D. Lester
C. C. Byrne	F. E. Daugherty	Carl Lyttle
J. F. Carr	Sam Dever	C. C. May
Leonard Carson	Garland Embry	Elmer McGlothen
George S. Clay	A. H. Eversole	H. H. McGuire
H. S. Cleveland	C. A. Hale	J. H. McKinney
T. Fowler Combs	C. L. Hammons	G. Samuel Milam
Herbert Cook	Ira W. Hulette	Alton Mitchell

Stanley C. Moebus	E. S. Robey	Cass R. Walden
William E. Mull	Carl Scheben	H. L. Waterfield
Alfred A. Naff	William T. Rollo	R. E. West
Homer Neikirk	Joe E. Robinson	J. D. White
Kleber F. Price	Leon J. Shaikun	John M. Williams
Ed F. Prichard	Parker Sims	Lee Roy Wilson
Grover C. Ransom	Wm. St. C. Stuart	Terrill A. Wilson
Hubert H. Read	Carl M. Taylor	
Thomas Rigdon	Gabe B. Taylor	—58

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of Day, a bill entitled:

H. B. 264. An Act to require certain safety practices in building and construction work; to protect the lives of and prevent injury to employees engaged thereon; providing for the enforcement and penalty for the violation of the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. To protect the lives and prevent injury of employes engaged in hazardous building and construction work it is hereby provided:

(a) In the construction of buildings of three and of additional stories in height there shall be placed upon points of each story thereof as soon as joists are in position, counter-floors of such quality and strength, and which shall be so

placed and arranged as to render safe the going to and from thereon, and to provide adequate protection underneath of all employees and other persons engaged upon the construction, supervision or placing materials thereon;

(b) On building and construction projects requiring the use of scaffolding, staging, rigging, hoist, ladders or any other structure or mechanical contrivance used for such purpose shall be of such quality and strength and shall be so constructed, arranged and placed, as to povide safe working conditions for employees and other persons engaged upon the construction, supervision or placing of materials thereon;

(c) On building and construction projects requiring the erection of temporary falsework and use of temporary supports to hold heavy loads where employees or other persons are rqeuired to work or place materials upon or around, such falsework and supports shall be of such quality and strength and shall be so constructed, arranged and placed as to provide safe working conditions.

§ 2. Whoever being the owner, leasee, agent, architect or contractor engaged in and having supervision, control or charge of a building or construction project, found to be in violation of the provisions of this Act, shall be fined not more than one hundred dollars ($100.00) nor less than fifteen dollars ($15.00). Each day that such person, firm, corporation or contractor neglects or refuses to comply with the notice issued by the Commissioner of Industrial Relations to comply with the provisions of the Act shall be considered a separate violation and a separate fine shall be declared by the Court.

§ 3. It is hereby made the duty of the Commissioner of Industrial Relations to secure compliance and to prosecute violations of the provisions of this Act, and such rules when issued shall be observed by all persons, firms, corporations and contractors subject to the provisions of this Act. Nothing in this Act shall be deemed to repeal or be in conflict with the provisions of Chaper 124 of the Acts of 1926 relating to the

requirement of proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in construction as applies to cities of the first and second class.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follow, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Thomas Rigdon
J. Everett Bach	Ira W. Hulette	E. S. Robey
William T. Baker	John M. Hunnicutt	William T. Rollo
B. F. Bedford	W. H. Hunt	Carl Scheben
Rell Bevins	William K. King	Leon J. Shaikun
F. C. Boyd	Carl Lyttle	Parker Sims
C. P. Bradbury	C. C. May	Wm. St. C. Stuart
C. C. Byrne	Elmer McGlothen	A. Frank Tabb
J. F. Carr	H. H. McGuire	W. R. Tapp
Leonard Carson	J. H. McKinney	Gabe B. Taylor
George S. Clay	Stanley C. Moebus	S. J. Wagner
T. Fowler Combs	John B. Mollette	Cass R. Walden
Herbert Cook	William E. Mull	Joe L. Wall
John C. Cornett	Rodes K. Myers	Henry Ward
G. Cunningham	Alfred A. Naff	H. L. Waterfield
Norman A. Curtis	Homer Neikirk	L. Roger Wells
Willard Q. Daniel	Mel Petry	R. E. West
F. E. Daugherty	H. O. Porter	J. D. White
Sam Dever	Kleber F. Price	Lee Roy Wilson
Garland Embry	E. F. Prichard	Terrill A. Wilson
A. H. Eversole	Grover C. Ransom	
Ferd A. Gnau	Hubert H. Read	—64

Those who voted in the negative were—

G. Samuel Milam Erna E. Tyra John M. Williams
Joe E. Robinson —4

Resolved that the title thereof be as aforesaid—

Mr. Eyl moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in this House, entitled:

H. Res. 3. Resolution authorizing L. V. Stone to sue the Commonwealth.

H. Res. 9. Resolution authorizing Fannie B. Anderson, Sallie B. Jones and Ada Hathaway to sue the Commonwealth.

H. Res. 10. Resolution authorizing John R. Clark, Jr. and Edith S. Clark to sue the Commonwealth

H. Res. 11. Resolution authorizing the personal representative of W. H. Hyden to sue the Commonwealth.

H. Res. 12. Resolution authorizing A. H. Bowman to sue the Commonwealth.

H. Res. 13. Resolution authorizing J. D. Harman to sue the Commonwealth.

H. Res. 14. Resolution authorizing Lina Trockmorton and Harold Throckmorton to sue the Commonwealth.

H. Res. 16. Resolution authorizing the personal representative of Jasper Johnson to sue the Commonwealth.

H. Res. 18. Resolution authorizing Sill Hamilton to sue the Commonwealth.

H. Res. 19. Resolution authorizing W. J. Hockaday to sue the Commonwealth.

H. Res. 24. Resolution authorizing Richard Cox, Frank Anderson and Earl Dacon to sue the Commonwealth.

H. Res. 25. Resolution authorizing the personal representative of Mrs. Alda Dever, Logan Dever and William Dever to sue the Commonwealth.

H. Res. 26. Resolution authorizing Elmo M. Robertson to sue the Commonwealth.

H. Res. 28. Resolution authorizing Mrs. Joe Pence to sue the Commonwealth.

H. Res. 29. Resolution authorizing Joe Pence to sue the Commonwealth.

H. Res. 30. Resolution authorizing the personal representative of William Anderson to sue the Commonwealth.

H. Res. 34. Resolution authorizing Milton McGrew to sue the Commonwealth.

H. Res. 36. Resolution authorizing James M. Towe to sue the Commonwealth.

H. Res. 41. Resolution authorizing Omelia Bowen Murphy to sue the Commonwealth.

H. Res. 44. Resolution authorizing O. B. Coffee to sue the Commonwealth.

H. Res. 45. Resolution authorizing Bedford Daniel, administrator of the estate of Henderson Daniel to sue the Commonwealth.

H. Res. 48. Resolution authorizing the personal representative of Jasper Barnett to sue the Commonwealth.

Ordered that said resolutions be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 285. An Act providing for definition of terms used; providing for system of fixing prevailing rates of wages and establishing a legal work day and a legal work week on public works; providing the method of fixing prevailing rate of wages required in public works, contracts and of public authorities; providing the duty of contractors and public authorities to pay the prevailing rate of wages fixed; providing for enforcement, assistance and penalty for the violation of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions:* (a) The term "public authority", as used in this Act, shall mean any officer, board, or commission of the Commonwealth, or any political subdivision thereof, or any county or also any institution supported in whole or in part by public funds and this Act shall apply to expenditures of such institutions made in whole or in part from public funds, authorized by law to enter into a contract for the con-

struction of a public works or to construct the same by the direct employment of labor.

(b) The term "construction", as used in this Act, shall mean any construction, reconstruction, improvement, enlargement, alteration or repair of any public works fairly estimated to cost more than three hundred dollars.

(c) The term "public works", as used in this Act, shall mean to include all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works and all other structures or works constructed by the Commonwealth or any political subdivision thereof, or county or subdivision thereof, or incorporated city or subdivision thereof, except maintenance work on roads under supervision of State Highway Commission or county authorities.

(d) The term "locality", as used in this Act, shall mean the county wherein the physical work upon any public works is being performed.

§ 2. *Prevailing Wages Provided:* It shall be the duty of any public authority authorized to contract for or construct with its own forces for public works before advertising for bids or undertaking such construction with its own forces, to have the Department of Industrial Relations ascertain and determine the prevailing rates of wages of mechanics and laborers for the class of work called for by the public works, in the locality where the work is to be performed; and such schedule of wages shall be attached to and made a part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. The minimum rate of wages for common laborers, on work coming under the jurisdiction of the State Highway Department, is in accordance with Section 3 of this Act. This Act shall not apply to public works in any case where the Federal Government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided the Federal Government or any of its

agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

§ 3. *Method Determining Prevailing Wages:* The wages to be paid for a legal day's work, as hereinbefore proscribed in Section 2 of this Act, to laborers, workmen or mechanics upon such public works shall not be less than wages paid in the same trade or occupation in the locality where such public work is being performed, under collective agrements or understanding between bona fide organizations of labor and employers, at the date such contract is made, and in the event there be no such agreement or understanding, then not less than the prevailing rate of wages to be determined as provided in Section 2 of this Act. Serving laborers, helpers, assistants and apprentices shall not be classified as common labor and shall be paid not less than the wages in the locality as a result of collective agreement or understanding, and if no such agreement or understanding exists, shall be paid not less than the prevailing rate of wages to be ascertained as provided in Section 2 of this Act. Where contracts are not awarded or construction undertaken within ninety days from the date of the establishment of the prevailing rate of wages as provided in Section 2 of this Act, there shall be a re-determination of the prevailing rate of wages before the contract is awarded.

§ 4. *Duty of Contractors and Public Authority to Pay Prevailing Rate of Wages:* (a) In all cases where any public authority shall fix a prevailing rate or rates of wages as herein provided under the terms of this Act, and the work is done by contract, the contract executed between the public authority and the successful bidder shall contain a provision requiring the successful bidder and all of his subcontractors to pay a rate or rates of wages which shall not be less than the rate or rates of wages so fixed. It shall be the duty of the

successful bidder and all his subcontractors to strictly comply with such provisions of the contract.

(b) Where a public authority constructs a public works with it own forces, it shall be the duty of such authority to pay a rate or rates of wages which shall not be less than the rate or rates of wages so fixed as herein provided under the terms of this Act. Any mechanic or laborer paid less than such rate or rates by any public authority shall have a right of action against such public authority for the difference between the fixed rate of wages and the amount paid to him, and in addition thereto, a penalty equal in amount to such difference.

(c) All contractors and subcontractors required by the terms of this Act and the action of any public authority to pay not less than the prevailing rate or rates of wages shall make a full payment of such wages in lawful money of the United States, without any deductions for food, sleeping accommodations, transportation, use of small tools or any other thing of any kind or description. The above provisions shall not apply where the employer and employee enter into an agreement in writing at the beginning of any term of employment covering deductions for food, sleeping accommodations, or any similar item, provided such agreement be submitted by the employer to the public authority fixing the rate or rates of wages and be approved by such public authority as fair and reasonable. All contractors or subcontractors falling within or affected by the terms of this Act shall keep full and accurate payroll records covering all disbursements of wages to their employees to which they are required to pay not less than the prevailing rate or rates of wages. Such payroll records shall not be destroyed or removed from the Commonwealth for a period of one year following the completion of the improvement in connection with which the same are made.

§ 5. *Legal Work Day and Legal Work Week on Public Works:* It shall be the duty of every public authority author-

ized to contract for public works before advertising for bids to include with the schedule of wages as herein provided by the terms of this Act, that no laborer or mechanic shall be required to work more than eight hours in one calendar day, which shall constitute a legal day's work, nor more than forty hours in one week, which shall constitute a legal work week, except in cases of emergency caused by fire, flood or damage to life or property. The limitation of work hours as provided in this section, shall be made part of the specifications for the work and shall be printed on bid blanks where the work is done by contract. No laborer or mechanic shall be required to work more than eight hours in any one calendar day, nor more than forty hours in any one week, except in cases of emergency caused by fire, flood, or damage to life or property on the construction of public works where a public authority constructs such an improvement with its own forces. Any laborer or mechanic worked in excess of eight hours per day and forty hours per week except in cases of emergency as herein provided shall be paid double the prevailing rate or rates of wages as fixed under the terms of this Act for all overtime worked, and any laborer or mechanic shall have a right of action for the collection of overtime wages worked for either a contractor or subcontractor or public authority. The determination of exception provided in this section or when an emergency exists, shall be made jointly by the public authority letting the contract and the Department of Industrial Relations, and their decisions shall determine whether or not the laborer or mechanic shall be paid double wages for overtime.

§ 6. *Enforcement Assistance:* Any laborer or mechanic employed on public works within the terms of this Act may file a complaint of the violation of the provisions of this Act and of the failure to pay the prevailing rate or rates of wages fixed and of working in excess of the legal work day and work week provided by this Act with the Department of

Industrial Relations, and it shall be the duty of this Department to assist the laborer or mechanic in the collection of claims of wages due him. It is hereby further provided that the Department of Industrial Relations shall assist to the fullest extent in the administration and enforcement of this Act.

§ 7. *Penalty:* Any contractor or subcontractor who shall violate the wage and work hours provision provided in contracts under the provisions of this Act, or shall suffer, permit or require any employee to work for less than the rate of wages so fixed, shall be fined not less than $15.00 or more than $100.00.

Mr. Norman Curtis offered the following amendments to said bill, viz:

1. Amend H. B. 285 on page 3, section 3, line 6 by striking out "or understanding"

2. Amend H. B. 285 on page 3, section 3, line 8 by striking out "or understanding"

3. Amend H. B. 285 on page 3, section 3, line 12 by striking out "or understanding"

4. Amend H. B. 285, on page 3, section 3, line 13 by by striking out "or understanding"

5. Amend H. B. 285 on page 3, section 3, line 16 by striking out "ninety days" and inserting in lieu thereof "six months"

Said amendments were each and severally agreed to.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	W. H. Hunt	Henry Plum
Rell Bevins	William K. King	H. O. Porter
C. P. Bradbury	C. C. May	E. F. Prichard
C. C. Byrne	M. T. McCarthy	William T. Rollo
J. F. Carr	T. B. McConnell	Clarence Rush
George S. Clay	H. H. McGuire	Leon J. Shaikun
T. Fowler Combs	J. H. McKinney	Erna E. Tyra
John C. Cornett	Stanley C. Moebus	S. J. Wagner
Norman A. Curtis	John B. Mollette	Cass R. Walden
Willard Q. Daniel	William E. Mull	Joe L. Wall
F. E. Daugherty	Tyler F. Munford	Henry Ward
Ferd A. Gnau	Rodes K. Myers	H. L. Waterfield
C. A. Hale	Alfred A. Naff	R. E. West
Ira W. Hulette	Luster C. Oxley	Lee Roy Wilson
John M. Hunnicutt	Mel Petry	Terrill A. Wilson

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Those who voted in the negative were—

William T. Baker	Garland Embry	Kleber F. Price
B. F. Bedford	A. H. Eversole	Grover C. Ransom
F. C. Boyd	Chas. P. Farnsley	Hubert H. Read
H. S. Cleveland	Clyde D. Lester	E. S. Robey
Herbert Cook	Elmer McGlothen	Joe E. Robinson
Sam Dever	G. Samuel Milam	John C. Robinson
Forest C. Easley	Alton Mitchell	Carl Scheben

Wm. St. C. Stuart	Gabe B. Taylor	J. M. Williams	
A. Frank Tabb	L. Roger Wells		
W. R. Tapp	J. D. White		—28

Resolved that the title thereof be as aforesaid.

Mr. Norman Curtis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that House, entitled:

S. B. 137. An Act to amend and re-enact Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 edition, same being Section 32, page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, relating to prior claims on estates, and repealing all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being Section 32, Page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, be and the same is hereby amended and re-enacted so that when same is so amended and re-enacted it shall read as follows:

"If the personal estate of a decedent be not sufficient to pay all his liabilities, than, the costs and charges of the administration of his estate and the burial expenses of said decedent, not to exceed the sum of $100.00, shall be paid in full

before any pro-rata distribution shall be made; but this preference shall not extend to a demand foreign to this state. All other debts and liabilities shall be of equal dignity, and paid ratable in the administration of his estate, and should more than the ratable share of any debt be paid, his personal representative shall only receive credit for its proper proportion."

§ 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Ordered that said bill be printed and referred

To Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky; for the determination and establishment of minimum fair wages for such workers; for the purpose of preventing unfair and oppressive exploitation of such workers, and providing penalties therefor; setting forth a declaration of public policy; defining certain terms; providing for administration thereof; appropriating money for the administration thereof; and setting up duties and powers therefor; Providing for judicial review under certain circumstances; providing for maintenance of records and reports; providing for penalties for violation and/or non-observance thereof in whole or in part; providing for a separability clause; repealing conflicting laws and for other purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Preamble:

The employment of women and minors in trade and industry in the State of Kentucky at wages unreasonably low and not fairly commensurate with the value of the services rendered is a matter of grave and vital public concern. Many women and minors employed for gain in the State of Kentucky are not as a class upon a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Since a very large percentage of such workers are obliged from their week-to-week wages to support themselves and others who are dependent upon them in whole or in part they are, by reason of their necessitous circumstances, forced to accept whatever wages are offered them. Judged by any reasonable standard, wages are in many cases fixed by chance and caprice, and the wages accepted are often found to bear no relation to the fair value of the service rendered. Women and minors employed for gain are peculiarly subject to the over-reaching of inefficient, harsh or unfair employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards, the standards such as exist tend to be set by the least conscionable employers. In the absence of any effective minimum fair wage rates for women and minors, the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers, and threatens the stability of industry. The evils of oppressive, unreasonable and unfair wages as they affect women and minors employed in the State of Kentucky are such as to render imperative the exercise of the police power of the State for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well-being and in the prevention of the deterioration of the race.

§ 2. Definitions as used in this Act:

a. "Commissioner shall mean the Commissioner of Industrial Relations.

b. "Wage Board shall mean a board created as provided in Section 6 of this Act.

c. "Woman" shall mean a female of twenty-one years or over.

d. "Minor" shall mean a person of either sex under the age of twenty-one years.

e. "Occupations" shall mean an industry, trade, or business or branch thereof or class of work therein in which women or minors are gainfully employed, but shall not include domestic service in the home of the employer or labor on a farm.

f. "An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

g. "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under this Act the Commissioner and the wage board, without being bound by any technical rules of evidence or procedure (1) shall take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered, and (2) shall consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards.

h. "A directory order" shall mean an order the violation of which is not subject to the penalties prescribed in section 18 (b) of this Act.

i. "A Mandatory order" shall mean an order which is subject to the penalties prescribed in section 18 (b) of this Act.

j. The masculine gender, when referred to in this Act, shall include the feminine.

§ 3. It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this State at an oppressive and unreasonable wage as defined in Section 2 of this Act and any contract, agreement or understanding for or in relation to such employment shall be null and void.

§ 4. Administrative Agency—powers and duties.

a. (1) The Commissioner of Industrial Relations is authorized to administer the provisions of this Act, and shall employ such clerical, technical, and professional assistance as he deems necessary to effectuate the purposes of this Act. Salaries and duties shall be determined by the Commissioner of Industrial Relations.

b. The Commissioner or his authorized representative shall have full power and authority; and it shall be his duty;

1. To investigate and ascertain the wages of women and minors employed in any occupation in the State;

2. To enter the place of business or employment of any employer of women and minors in any occupation for the purposes of examining and inspecting any and all books, registers, pay rolls, and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the Commissioner have been and are being complied with; and

3. To require from such employer full and correct statement in writing when the Commissioner or his authorized representative deems necessary, of the wages paid to all women and minors in his employment.

c. The Commissioner shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Commissioner

and shall be served and have the same effect as if issued out of the Circuit Court. The Commissioner shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Circuit Court.

§ 5. Appropriation.

There is hereby appropriated the sum of $25,000.00 for the purpose of carrying into effect and administering the provisions of this Act for the next biennium.

§ 6. Wage investigation and appointment of Wage Boards.

The Commissioner shall have the power, and it shall be his duty, on the petition of 50 or more residents of the State, to cause an investigation to be made by him or his authorized representative, of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages as defined in section 2. If, on the basis of information in the possession of the Commissioner, with or without a special investigation, he is of the opinion that an essential number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages as defined in section 2, he shall request the Governor to appoint a wage board upon the establishment of minimum fair rates for such women or minors in such occupation or occupations.

§ 7. Wage Boards.

a. A wage board shall be composed of nine members, three persons to represent employers in any occupation or occupations, an equal number of qualified employee representatives in such occupation or occupations and three disinterested persons representing the public, one of whom the Governor shall designate chairman. The Governor shall appoint the members of such wage board, the representatives of the employers and employees to be selected so far as practicable

from nominations submitted by employers and employees in such occupation or occupations. Two-thirds of the members of such wage board shall constitute a quorum, and the recommendations or report of such wage board shall require a vote of not less than a majority of all members present. The Commissioner shall make and establish from time to time rules and regulations not inconsistent with this section governing the mode of procedure.

b. A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Chairman of the wage board, and shall be served and have the same effect as if issued out of the Circuit Court. A wage board shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Circuit Court.

c. The Commissioner shall present to a wage board promptly upon its organization all the evidence and information in the possession of the Commissioner relating to the wages of women or minor workers in the occupation or occupations for which the wage board was appointed, and all other information which the Commissioner deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the Board any witnesses whom the Commissioner deems material. A Wage board may summon other witnesses or call upon the Commissioner to furnish additional information to aid it in its deliberations.

d. Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standards for the women and minors in the occupation or occupations, the wage standards of which the wage board was appointed to investigate. If its report is not

submitted within such time the Commissioner may request the Governor to appoint a new wage board.

e. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment. A wage Board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not affect an unreasonable discrimination against any locality.

f. A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations, which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations.

g. In addition to its wage report a wage board may separately recommend such administrative regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report.

§ 8. Action following wage board report.

a. A wage board shall submit its report and proposed administrative regulations to the Commissioner, who may within ten days thereafter accept or reject such report. During such ten days the Commissioner may confer with the wage board which may make such changes in the report or proposed administrative regulations as it may deem fit. If the report is rejected, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new one be appointed by the Governor. If the report is accepted it shall be published together with such of the administrative regulations proposed by the board and such amendments and changes thereof as the Commissioner may deem necessary or appropriate as a further safeguard to the minimum fair wage standards. Such administrative regulations may include

among other things, regulations defining and governing learners and apprentices, their rates, bonuses or special pay for special or extra work, deductions for board, lodging, apparel or other items or services supplied by the employer, and other special conditions and circumstances; and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification, the Commissioner may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the Commissioner may find appropriate to safeguard the basic minimum rates established.

The Commissioner shall give notice of a public hearing to be held by the Commissioner not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard.

b. Within ten days after such hearing the Commissioner shall approve or disapprove the report of the wage board. Failure of the Commissioner to act within the said ten days shall be deemed an approval of the report. If the report is disapproved, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new wage board be appointed. If the report is approved, the Commissioner shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and shall include the regulations as approved by the Commissioner.

§ 9. Special License.

For any occupation for which minimum fair wage rates have been estalished, the Commissioner may cause to be issued to any woman or minor, including a learner or apprentice, whose earning capacity is impaired by age or physical deficiency or injury, a special license authorizing employment

at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the Commissioner and stated in the license.

§ 10. Mandatory order.

If at any time after a directory minimum fair wage order has been in effect for three months and the Commissioner is of the opinion that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations, the Commissioner may give notice of his intention to make such order mandatory and to announce a public hearing to be held not sooner than 15 nor more than 30 days after such publication AT which persons in favor of or opposed to a mandatory order may be heard by the Commissioner. After such hearing the commissioner may make the previous directory order or any part thereof mandatory and so publish it.

§ 11. Publication of names of employers not observing order.

If the commissioner has reason to believe that any employer is not observing the provisions of any directory or mandatory order, he may, on fifteen days' notice, summon such employer to appear before him to show cause why the name of such employer should not be published as having failed to observe the provisions of such order. After such hearing and the finding of nonobservance of such order by the commissioner, he may cause to be published in a newspaper or newspapers published and circulating within the State of Kentucky and/or in such other manner as he may deem appropriate, the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order. Neither the commissioner nor any authorized representative of the commissioner, nor any newspaper publisher, proprietor, editor, nor any employee thereof shall be liable to an action for damages for publishing the name of any em-

ployer as provided for in this article, unless guilty of wilful misrepresentation.

§ 12. Revision of wage order.

At any time the commissioner may on his own motion, or on petition of fifty or more residents of the State, reconsidered the minimum fair wage rates set therein and reconvene the same wage board or a new wage board, should one be appointed, to recommend whether or not the rate or rates contained in such order should be modified. The report of such wage board shall be dealt with in the manner prescribed in section 8 of this Act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the commissioner under section 10, then the commissioner in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory.

§ 13. Revision of administrative regulations.

The commissioner may at any time and from time to time propose such modifications of or additions to any administrative regulations included in any directory or mandatory order of the commissioner without reference to a wage board, as the commissioner may deem appropriate to effectuate the purpose of this Act, provided such proposed modifications or additions could legally have been included in the original order, and shall give notice of a public hearing to be held by him not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions. After such hearings the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as he deems appropriate, and if the order of which the administrative regulations form a part has theretofore been made mandatory in whole or in part by the Commissioner under section 10, then the commissioner in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory.

§ 14. Right of Review.

All questions of fact arising under this Act except as otherwise herein provided shall be decided by the commissioner and there shall be no appeal from the decision of the commissioner on any such question of fact, but there shall be a right of review by the Circuit Court. Either party may, within twenty days after the rendition of such final order of the commissioner, by petition appeal to the Circuit Court that would have jurisdiction to try an action for breach of contract. The review is limited to determining whether or not:

(1) The commissioner or director acted without or in excess of his powers;

(2) The order or decision was procured by fraud;

(3) The order or decision is not in conformity to the provisions of this Act;

(4) If findings of fact are in issue, whether such findings of fact support the order or decision.

The Circuit Court shall enter judgment affirming, modifying or setting aside the order or decision.

§ 15. Keeping of Records.

Every employer of women and minors shall keep a record of the name, address and occupation of each such employee, together with a record of the ages of all minors under 21 years of age in his employ. He shall further keep a true and accurate record of the amount paid each pay period to each woman and minor, and of the hours worked each day and each week by each woman and minor, and such other information as the Commissioner in his discretion shall deem material and necessary. Such records shall be kept on file for at least one year after the entry of the record. Such register and record shall be open to the inspection and transcript of the commissioner or his authorized representatives at any reasonable time, and every employer shall furnish to the commissioner or his authorized representatives on demand, a sworn statement

of the same, and, if the commissioner shall so require, upon forms prescribed or approved by him.

§ 16. Posting of minimum wage orders.

Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

§ 17. Questioning employees.

Employers shall permit the Commissioner or any officer or employee of the division duly authorized by him to question any employee of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employee or other employees.

§ 18. Penalties.

a. Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this Act or because such employer believes that said employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this Act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars.

b. Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment, and each week in any day of which such employee is paid less than the rate applica-

ble to him under a mandatory minimum fair wage order and each employee so paid less shall constitute a separate offense.

c. Any employer or the officer or agent of any corporation who fails to keep the records required under this Act or to furnish such records to the commissioner or his authorized representative upon request, or who falsifies such records or who fails to keep posted a copy of the minimum fair wage orders to which he is subject, as required by this Act, or who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this Act, or refuses to admit, or locks out such official from any place of employment which he is authorized by this Act to inspect, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep the records requested under this Act or to furnish to the commissioner or his authorized representative such records or other information as may be required for the proper enforcement of this Act shall constitute a separate offense.

§ 19. Collection of wages.

If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory minimum fair wage order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action. At the requestion of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees

as may be allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

§ 20.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 21.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

§ 22.

This Act shall be known as an Act to establish minimum fair wages for women and minors.

Mr. Gnau offered the following amendment to said bill, viz:

Amend H. B. 368 in section 19, line 16 by striking out the period after the word "action" and inserting a comma in lieu thereof and adding thereto the following words: "Provided, however, that the provisions of this Act shall not apply to any person, firm, or corporation subject to regulation by the Public Service Commission of Kentucky"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. C. May	E. F. Prichard
Rell Bevins	M. T. McCarthy	Hubert H. Read
C. C. Byrne	Elmer McGlothen	Thomas Rigdon
J. F. Carr	H. H. McGuire	E. S. Robey
George S. Clay	Alton Mitchell	William T. Rollo
H. S. Cleveland	Stanley C. Moebus	Clarence Rush
T. Fowler Combs	John B. Mollette	Leon J. Shaikun
John C. Cornett	William E. Mull	Wm. St. C. Stuart
Norman A. Curtis	Tyler F. Munford	A. Frank Tabb
F. E. Daugherty	Rodes K. Myers	W. R. Tapp
Ferd A. Gnau	Alfred A. Naff	Gabe B. Taylor
C. A. Hale	Homer Neikirk	S. J. Wagner
C. L. Hammons	Luster C. Oxley	Henry Ward
Ira W. Hulette	Mel Petry	H. L. Waterfield
John M. Hunnicutt	Henry Plum	J. D. White
W. H. Hunt	H. O. Porter	Lee Roy Wilson
William K. King	Kleber F. Price	Terrill A. Wilson

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Those who voted in the negative were—

William T. Baker	Garland Embry	Grover C. Ransom
Herbert Cook	A. H. Eversole	Carl Scheben
Sam Dever	Chas. P. Farnsley	Erna E. Tyra
Forest C. Easley	G. Samuel Milam	L. Roger Wells

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Mr. Gnau offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 368 by adding to the title the words "and providing for certain exemptions"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Gnau moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration a bill entitled:

H. B. 399 An Act relating to revenue and taxation and declaring an emergency.

Which was passed by this House on yesterday and delivered to the Senate, the same being returned to the House from the Senate in accordance with a motion of Mr. Hammons requesting the return of said bill from the Senate.

Mr. Baker moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Hammons moved that the vote by which H. B. 399 (See title above) was passed, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Hammons moved that said bill be laid on the table.

Said motion was agreed to.

And so said bill was tabled.

Mr. Milam moved that the House do now adjourn.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 237. An Act to repeal Chapter 95, being Sections 3780 to 3786, both inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and enacting in lieu thereof an Act relating to county patrols or county police forces, the appointment, jurisdiction, organization, equipment, maintenance, operation thereof and concerning the rights, powers and duties of county and fiscal courts, which Act shall be designated as Sections 3380, 3781 and 3782 of the Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 95 of Carroll's pentucky Statutes, Baldwin's 1936 Revision, being Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same are hereby repealed, and that in ieu thereof there be re-enacted Chapter 95 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and to be known as Sections 3780, 3781 and 3782 of the Kentucky Statutes, so that when the same is amended and re-enacted that said chapter and sections as amended and re-enacted shall read as follows:

Section 3780. *County courts to appoint; jurisdiction of county police.*—The county courts of the respective counties shall have and are hereby given the power, jurisdiction and authority to establish, appoint and maintain a county police force within their respective counties, all of members and officers of which shall have and are hereby given jurisdiction co-extensive with the whole county for which they are appointed. Such police force may consist of a chief of county police and not exceeding three captains of county police and such number, rank and grade subordinate to the chief and

captains as the county court shall deem proper. All of the members of such county police force shall be appointed by the county judge and shall serve at the pleasure of the judge of the county court of their county. None but discret and sober persons shall be appointed to any position on said county police force. Each of the members of said county police force shall take an oath before the judge of the county court of their county to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, that the chief officer of the county police force of any county may be designated, in the discretion of the county court of said county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, not exceeding four as hereinabove provided for, as the county court of such county may deem proper or adequate.

Section 3781. *Rules and Regulation. Groups, Divisions, Sub-divisions, Appointment, Promotions, Transfers, Removals, Suspension, Reinstatement, Fines and Discipline, Standardization and Classification; Rights and Powers of Fiscal Courts.*—The county court shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying-off, suspension, re-instatement, fine and removal of the personnel of the said county police force, the number of hours of each day, week or month the officers and members shall be on duty, and for the standardization and classification of all of the members of said force into groups and divisions, or subdivisions, and for the organization, equipment and maintenance of said police force, subject to the rights of the fiscal court of the respective counties to fix salaries and compensation of all of the officers and employees of said police department.

Section 3782. *Compensation; Establishment and Maintenance of County Police Force, Powers, Salaries, Qualifica-*

tions and Duties; Penalties; Bonds.—The fiscal courts of the respective counties shall fix the salaries or compensation of the chief, captains and patrolmen appointed by the county judge in accordance with the provisions of the Kentucky Statutes Section 3780, provided, however, that no patrolman shall be paid more than $1800.00 per annum, no captain shall be paid more than $2100.00 per annum; and no chief shall be paid more than $2400.00 per annum, which salaries or compensation shall be payable in equal monthly installments out of the county levy; and further provided that no fees or other compensation shall be paid or allowed to or collected or accepted by any of the officers or members of said County Police force. The chief of police, the captains of police and patrolmen shall be appointed by the county judge and shall serve in such capacities during the pleasure of the county court. All members of the county police force shall be citizens of the United States and shall have been bona fide residents of the county in which they are appointed for not less than two years before their appointment, and shall not be less than twenty-one years of age. The fiscal court shall, by order, fix the amount of the salary within the limitations herein provided and may within their discretion provide for motor vehicles, statons, sub-stations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of the funds appropriated for said county police force.

Any chief, captain or other county police officer appointed under the terms of this Act who shall charge, claim, collect, accept or receive any fee or other compensation, in money or otherwise, other than is provided in this section, shall be guilty of a misdemeanor and upon conviction shall be

fined not less than one hundred (100) nor more than five hundred (500) dollars, or imprisoned not more than six months or both so fined and imprisoned. Any person convicted of violation of this provision shall forfeit his office and shall thereafter be ineligible for appointment to an office under this Act.

The said cheif, captains and patrolmen are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and shall have and are hereby given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county court. Provided, however, that the members of said county police force shall not have power to serve subpoenas, summonses and notices in civil cases.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	F. E. Daugherty	John M. Hunnicutt
Rell Bevins	Garland Embry	William K. King
C. C. Byrne	Chas. P. Farnsley	Clyde D. Lester
George S. Clay	Ferd A. Gnau	C. C. May
H. S. Cleveland	C. A. Hale	Elmer McGlothen
T. Fowler Combs	C. L. Hammons	H. H. McGuire
Norman A. Curtis	Ira W. Hulette	G. Samuel Milam

William E. Mull	E. F. Prichard	W. R. Tapp
Tyler F. Munford	Grover C. Ransom	Carl M. Taylor
Rodes K. Myers	William T. Rollo	Henry Ward
Alfred A. Naff	Carl Scheben	H. L. Waterfield
Homer Neikirk	Leon J. Shaikun	L. Roger Wells
Luster C. Oxley	Wm. St. C. Stuart	R. E. West
Henry Plum	A. Frank Tabb	—41

Those who voted in the negative were—

Herbert Cook	Hubert H. Read	John M. Williams
Alton Mitchell	Joe E. Robinson	Terrill A. Wilson
Stanley C. Moebus	Joe L. Wall	—8

Resolved that the title thereof be as aforesaid—

Mr. Norman Curtis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. John C. Robinson moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Bach and John C. Robinson, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	G. Cunningham	G. Samuel Milam
J. Everett Bach	L. M. Davisworth	Alton Mitchell
F. C. Boyd	Sam Dever	Stanley C. Moebus
C. P. Bradbury	Garland Embry	John B. Mollette
J. F. Carr	Ira W. Hulette	Homer Neikirk
Herbert Cook	C. C. May	Kleber F. Price

Hobart Rayburn	Clarence Rush	Joe L. Wall
Hubert H. Read	Leon J. Shaikun	R. E. West
Joe E. Robinson	Erna E. Tyra	Lee Roy Wilson
John C. Robinson	Cass R. Walden	Terrill A. Wilson

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Those who voted in the negative were—

Rell Bevins	C. L. Hammons	Grover C. Ransom
C. C. Byrne	John M. Hunnicutt	William T. Rollo
Leonard Carson	William K. King	Carl Scheben
George S. Clay	Clyde D. Lester	A. Frank Tabb
H. S. Cleveland	Elmer McGlothen	W. R. Tapp
T. Fowler Combs	William E. Mull	Carl M. Taylor
John C. Cornett	Tyler F. Munford	S. J. Wagner
Norman A. Curtis	Rodes K. Myers	Henry Ward
F. E. Daugherty	Alfred A. Naff	H. L. Waterfield
A. H. Eversole	Mel Petry	L. Roger Wells
Chas. P. Farnsley	H. O. Porter	
Ferd A. Gnau	Ed F. Prichard	

—34

Mr. Hammons moved that the Rules of this House be suspended and that the House take up for immediate consideration a bill entitled:

S. B. 134. An Act relating to Firemen's Pension Funds in Cities of the First Class; providing for their creation and administration; providing for Boards of Trustees to administer such Pension Funds; providing for the election and organization of such Boards, and defining their powers and duties; providing for the financial support of such Pension Funds; providing for the classes of beneficiaries of such Pension Funds, and the amount of pension to be paid such beneficiaries. This Act shall be known as the "John Trager Firemen's Pension Fund".

Said motion was agreed to.

Thereupon the House took up for immediate consideration said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In every City of the first class, there is hereby created a "Board of Trustees of the Firemen's Pension Fund", to be elected as hereinafter directed, and also a Firemen's Pension Fund to be derived from the sources and in the manner heerinafter provided. And said fund shall be managed and disbursed according to the provisions of this Act.

§ 2. The "Board of Trustees of the Firemen's Pension Fund" shall be composed of seven members, two of whom shall be the Mayor and the Chief of the Fire Department, who shall be, by virtue of their respective offices, members of such Board. Their membership shall continue while in office, and in case of their death, resignation or removal, or on the expiration of their respective terms, their successors shall be ex officio members of such Board. The other members of the Board shall be elected from the members of the Fire Department for the terms, and in the manner hereinafter provided.

The said Board shall have the management and control of the said Firemen's Pension Fund, and of all matters therewith legitmately connected, and shall manage, use and disburse the same for the purposes hereinafter specified. The Board shall have power to adopt and enforce such By-Laws as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, provided that such By-Laws shall not in any wise contravene the provisions of this Act.

Each of said trustees shall, before entering upon the duties of his office, take an oath faithfully to perform the duties thereof.

§ 3. There shall be held on the first Saturday in September, 1938, and annually thereafter an election for the purpose of electing members of the Board of Trustees of such Pension Fund. On or before the 10th day of August pre-

ceding, all nominations for such Board shall be filed with the Chief of the Fire Department. Such nominations shall be in writing, and shall be signed by not less than twenty-five members of the Fire Department. No member of the Fire Department shall sign any more nomination petitions than there are vacancies to be filled. Within five days after the close of nominations, the Chief of the Fire Department shall certify in writing to all of the fire companies of said Fire Department the names of those placed in nomination. On said first Saturday in September between the hours of 6 A. M. and 4 P. M. an election shall be held under the supervision of the Captain of said Fire Companies, and each member of the Fire Department shall vote at the Fire Company of which he is a member. Such members of the Fire Department as do not belong to any specific company shall vote at the office of the Chief of the Fire Department. On the close of the ballot, the Captain of the Fire Company shall, in the presence of the nominees, or their duly authorized agent, open the ballot box, the vote being by secret ballot, and shall canvass the returns. He shall thereupon make a certificate of such canvass, and shall thereupon return such certificate with said ballots in a secure envelope properly sealed, to the Mayor of the City, who shall, on the following Saturday, open all of the certificates so received, and after canvassing all the returns, certify the result to the said Board of Trustees, and thereupon, on the third Saturday in September, the candidate or candidates receiving the highest number of votes shall assume the duties of their office.

At the first election, the two candidates receiving the highest number of votes shall be elected for a period of four years from the date of their assumption of office, as herein provided. The next highest candidate shall be elected for a period of three years; the next highest candidate for a period of two years, and the next highest candidate for a period of one year. Annually thereafter there shall be elected one member of the Board for a term of four years. In the event of a

vacancy caused by death, resignation or otherwise, the Board of Trustees shall have power to fill the vacancy until the next regular election, when, in addition to the member then regularly to be elected, there shall also be elected a member or members to fill the vacancy as aforesaid.

§ 4. Said Pension Fund shall consist of (1st) All moneys that may be given to such Board or Fund by any person or persons for the use and purposes for which such fund is created. And such Board of Trustees may take by gift, grant, devise or bequest any money, personal property, real estate or interest therein, or any right of property, and any such gift, grant, devise or bequest may be absolute or in fee simple, or upon the condition that only the rents, income or profits arising therefrom shall be applied to the purposes for which said fund is established. (2nd) All fines from disciplinary action against any member of the Department. (3rd) All fines from violations of City Ordinances relative to fire prevention and protective regulations. (4th) All moneys, rewards or emoluments of every nature or description that may be paid or given to the Fire Department, or any of the fire companies of said department. (5th) All revenues that may be received from exhibitions, field days and the like, as may be promoted by members of the Fire Department. (6th) Every member of the Fire Department shall be assessed two per cent (2%) of his salary, when, as and if paid to him, the said assessment to be deducted from said salary and paid over to the Director of Finance, to be by him contributed to the Pension Fund. (7th) There may be levied and set apart by the Legislative Department of all Cities of the First Class, annually, a tax of not more than one and one-half cents on each $100.00 of value of the taxable property in said Cities for said year, to be paid into said Firemen's Pension Fund, for the purposes of said fund as herein declared, and also from and after July 1st, 1940, two per cent (2%) of the gross fire insurance premiums received on all fire insurance

policies written or effected on property located in such city of the first class.

§ 5. The Board of Trustees of the Firemen's Pension Fund may at any time, after considering the probable demands upon such fund, determine what part thereof may be safely drawn therefrom for investment for revenue purposes, and having so determined, shall enter their proceedings at length upon their record. And thereupon such Board of Trustees shall determine in what manner it shall be invested, which may be by the purchase of any of the interest bearing bonds of the United States or of any City of the First Class of the State of Kentucky. All securities so purchased shall be deposited with the Director of Finance, who shall collect all interest due thereon and place the same to the credit of such Pension Fund. The said Director of Finance shall keep a separate account of such Fund, and therein fully and accurately set forth a statement of all money received and paid out by him, and he shall, on the first Monday of January and July of each year make report to the Board of Trustees of the Firemen's Pension Fund, of all moneys received and disbursed by him. The President of the said Board shall execute bond in such sum as the Board may deem adequate, conditioned that he will faithfully discharge the duties of his office, which bond shall be filed with the Comptroller of said City. The Board of Trustees shall make a full and accurate report of the condition of such Pension Fund to the Mayor on the first Monday in October in each year.

§ 6. If any member of said Fire Department shall, while in the performance of his duty, become or be found, upon examination by a medical officer to be agreed upon by such member or said Chief, or in the event they cannot agree upon such medical officer, then by a physician to be chosen by the said chief, a physician chosen by said member and a third physician chosen by said two physicians, ordered by the Chief of the Fire Department, to be physically or mentally disabled so as to render necessary his retirement from all service on

the Fire Department, such Chief shall retire such disabled person, and the Board of Trustees shall authorize the payment to such person monthly from the Pension Fund the sum provided in the Next Section. When any member of such Fire Department, or retired member on the Pension Fund thereof dies from any cause whatsoever, and leaves a widow to whom he was married at the time of his retirement, or child or children under eighteen years of age, the Board of Trustees shall authorize the payment to such widow while unmarried, and child or children under eighteen years of age, monthly from the Pension Fund the sum or sums provided in the next section, or if any deceased member shall have a dependent mother or father, the Board of Trustees shall authorize the payment to such mother or father monthly from the Pension Fund the sum provided in the next section, provided, however, that no pension shall be paid to the mother or father of a deceased member who leaves a widow entitled to a pension under the provisions of this Act, and if the widow of a deceased member shall remarry, her pension, shall cease, provided that if the pension of the widow of a deceased member shall have ceased by virtue of her remarriage, and if the person to whom she was remarried was a retired member of the Fire Department who was himself entitled to a Pension, then upon the decease of the member to whom she was so remarried, she shall again be entitled to receive a pension as the widow of a deceased member as though she had not been remarried. If at any time there should not be sufficient money or funds to the credit of the said Pension Fund to pay to each beneficiary the full amount per month to which such beneficiary may be entitled, then and in that event, an equal percentage of such monthly payments shall be made to each until such Fund is so replenished as to warrant payment in full to each of such beneficiaries. All employees of the Fire Department, on the establishment of the Firemen's Pension Fund herein provided for shall become members of said Fund, and be entitled to all of the benefits thereof, and shall pay the assesments herein

provided, and be subject to all the other provisions of this Act and all amendments thereof. All those beneficiaries drawing pensions at the time of the effective date of this Act from any Firemen's Pension Fund heretofore created by Statute or Ordinance of a City of the First Class shall continue to draw such pensions from the Pension Fund created by this Act until their respective rights to such pensions shall terminate for the causes upon which their respective pensions were granted to them.

§ 7. The sums to be paid to permanently disabled members and widows and orphans or dependent mothers or fathers shall be as follows: Upon retirement with such disability during service, a member shall receive fifty per cent. (50%) of the average monthly wage received by him during the five years previous to his retirement, and in the event of his decease while in such service or after such retirement, the widow shall receive a like pension which shall be for her benefit and that of her children under eighteen years of age, and in the event that at the time of the death of such retired fireman, he leaves no widow, but a child or children under eighteen years of age, such child or children shall receive a like pension as long as such child or children remain under eighteen years of age, which pension shall be for the benefit of those children under eighteen years of age. In the event the dependent mother or father shall be entitled to the pension as provided in the Section just preceding this one, then such dependent father or mother shall receive that portion of the pension a widow would have received had there been a widow, as represents the proportion of the support they received from such son, a member of the Fire Department, during his lifetime. Any member of the Fire Department who has been in such service twenty years or more, and has reached the age of fifty-one (51) years may upon written application to the Chief of such Fire Department, or upon the request of the Director of Safety, or of the Board of Trustees, be, without medical examination or disability, retired from all service from such

Fire Department, and upon such retirement, the Board of Trustees shall authorize the payment to such retired member of the pension equal to that he would have received upon retirement with disability as hereinbefore provided.

Any member of such Fire Departmnt who has reached the age of sixty-two (62) years, and has served twenty (20) years in the Department, shall, unless such fireman be, by the Chief of the Fire Department, or the Director of Safety, declared unusually efficient, and retained on the active force, be retired, and on such retirement shall receive such pension as he would have received upon voluntary retirement as herein provided. The pension of the dpendents of such retired members shall be the same in case of death after retirement as provided for dependents of those who die in the service, or after retirement with disability.

§ 9. After any member of such Fire Department shall have been retired upon pension by reason of disability, the Board of Trustees shall have the right, at any time, to cause such retired member again to be brought before it, and again examined by competent physicians and surgeons, and shall also have the right to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll; but he shall remain upon the pension roll until reinstated in the service of the Fire Department, except in case of dismissal or resignation. Such retired member shall be entitled to notice and to be present at the hearing of any such evidence. He shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce evidence on his own behalf. All witnesses so produced shall be examined under oath, and any member of such Board of Trustees is hereby authorized to administer such oath to such witnesses. The decision of such Board shall be final, and no appeal shall be allowed therefrom, nor shall the same be reviewable by any Court or other authority.

§ 10. The payment of all pensions shall be made by

warrant drawn by the order of the Board of Trustees, signed by the President and counter-signed by the Secretary.

§ 11. No part of such Pension Fund shall, either before or after any order for the distribution thereof to members of such Fire Department, or to the widows or guardians of any such child or children, or to the dependent father or mother of any deceased, disabled or retired member of such Force, be held, seized, taken, subjected to, detained, levied on by virtue of any attachment, execution, judgment, writ, interlocutory or other order, decree or process, or proceedings of any nature whatsoever issued out of or by any Court in this or any other State for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand, judgment, fine, amercement of such member of his widow or children, or of the dependent mother or father, or children, or of the dependent mother or father of any deceased member; but the said Fund shall be sacredly kept, secured, promoted and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever; Provided, That said Board may annually expend such sum as it may deem proper for such Fund for the necessary expenses connected therewith.

§ 12. The Director of Finance is hereby made the custodian of all the moneys belonging to such Firemen's Pension Fund, and all moneys belonging thereto shall be promptly paid to him. He shall be liable on his bond as such Director for the faithful performance of all the duties imposed upon him by the provisions of this Act in relation to the Firemen's Pension Fund, and for the faithful accounting for all moneys and securities which may come into his hands belonging thereto, and he shall keep a separate account thereof which shall at all times show the true condition of such Fund.

Mr. Rollo offered the following amendment to said bill, viz:

Amend S. B. 134 in House on page 4, section 4 line 26 by

striking out the figures "1940" and substitutiing in lieu thereof the figures "1938"

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. L. Hammons	Thomas Rigdon
J. Everett Bach	Ira W. Hulette	E. S. Robey
Rell Bevins	John M. Hunnicutt	Joe E. Robinson
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	Clyde D. Lester	Clarence Rush
C. C. Byrne	Carl Lyttle	Carl Scheben
J. F. Carr	C. C. May	Leon J. Shaikun
Leonard Carson	T. B. McConnell	Wm. St. C. Stuart
George S. Clay	Elmer McGlothen	A. Frank Tabb
H. S. Cleveland	H. H. McGuire	Carl M. Taylor
T. Fowler Combs	G. Samuel Milam	Gabe B. Taylor
Herbert Cook	Stanley C. Moebus	Erna E. Tyra
John C. Cornett	William E. Mull	S. J. Wagner
G. Cunningham	Tyler F. Munford	Cass R. Walden
Norman A. Curtis	Alfred A. Naff	Joe L. Wall
F. E. Daugherty	Luster C. Oxley	H. L. Waterfield
L. M. Davisworth	Mel Petry	L. Roger Wells
Garland Embry	Kleber F. Price	R. E. West
A. H. Eversole	Grover C. Ransom	Lee Roy Wilson
Chas. P. Farnsley	Hobart Rayburn	—59

Resolved that the title thereof be as aforesaid.

Mr. Rollo moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 423. An Act to repeal, amend and re-enact Chapter 14, sections 1 to 8 of the Acts of the General Assembly of 1904, redistricting the State of Kentucky into seven districts, and being Chaper 35, sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, transferring the county of Cumberland from the third appellate district to the second appelate district.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 14, sections 1 to 8 inclusive, of the acts of the General Assembly of 1904, being sections 939 to 946, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 revision, be repealed, amended and re-enacted so as to read as follows:

First Dictrict.—The first appellate court district shall consist of the counties of Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Calloway, Marshill, Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Muhlenberg, and Christian.

Second District.—The second appellate court district shall consist of the counties of Henderson, McLean, Daviess, Hancock, Breckinridge, Ohio, Grayson, Butler, Edmonson, Warren, Allen, Simpson, Logan Todd, Monroe, Meade, and Cumberland.

Third District.—The third appellate court district shall consist of the counties of Hardin, Bullitt, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe, Barren, Wayne, Russell, Casey, Shelby, Oldham, Anderson, Pulaski, Clinton, and McCreary.

Fourth District.—The fourth appellate court district shall consist of the county of Jefferson.

Fifth District.—The fifth appellate court district shall consist of the counties of Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard, Boyle, Jessamine, Madison, Mercer Lincoln, Rockcastle, and Jackson.

Sixth District.—The sixth appellate court district shall consist of the counties of Boone, Campbell, Kenton, Grant, Harrison, Pendleton, Bracken, Robertson, Nicholas, Mason, Fleming, Lewis, Greenup, Carter, Rowan, Bath, and Elliott.

Seventh District.—The seventh appellate court district shall consist of the counties of Clark, Montgomery, Estill, Powell, Menifee, Bell, Harlan, Leslie, Lee, Breathitt, Perry, Letcher, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Lawrence, Boyd, Johnson, Owsley, Clay, Knox, Laurel, Whitley, and Martin.

All laws or parts of laws in conflict herewith are repealed.

Mr. Clay offered the following amendment to said bill, viz:

Amend H. B. 423 by striking on page 1, section 1, line 7 the word "union" at the end of said line and inserting the word "union" in line 10 after the word "of" and before the word "Henderson"

Mr. Daugherty moved the Previous Question.

Mr. Hammons moved that the House do now adjourn.

Without objection, said motion was withdrawn

Mr. Myers moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

Mr. Hunnicutt moved that the vote by which a bill entitled:

H. B. 426. (For title see Journal of to-day ante)

Was passed, be reconsidered.

Said motion was agreed to.

Mr. Scheben moved that the House take from the hands of the Committee on Rules, a bill entitled:

H. B. 426 (For title see Journal of to-day ante)

And place same on its passage.

Said motion was seconded by Mr. Wagner.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 268. An Act providing educational opportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from General Fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sum appropriated under the provisions of the act shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-two years of age; and who have for twelve months had their domicile in the State of Kentucky, of those World War veterans who were killed in action or died from other causes in the World War, from April 6, 1917 to July 2, 1921, while serving in the army, navy or marines corps of the United States as a result of such service; which orphans are attending or may attend a state educational institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

§ 2. The amounts that may be or may become due at any educational or training institution, not in excess of the amount specified in section three thereof, shall be payable to such institution or school from the funds hereby created on vouchers approved by the State Board of Education. Said Board shall determine the eligibility of the children who make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution or school and of the accuracy and reasonableness of the charge or charges submitted to said Board by the authorities of any such institution, on account of the attendance thereat of any such children; provided no member of said Board or its Secretary shall receive any compensation for such services.

§ 3. The sum of one thousand four hundred dollars, or so much thereof as may be necessary, is hereby papropriated from the general fund for each of the fiscal years ending June 30, 1939, and June 30, 1940, for carrying out the provisions of this act; provided not more than one hundred fifty dollars shall be paid under said provisions for any one child for any

one school year. And provided further that in the event all of said fund is not consumed in providing scholarships for war orphans attending state owned institutions of learning, then and in the event the State Board of Education, in the exercise of a wise and sound discretion and on recommendation of the Commander of The American Legion, Department of Kentucky, may appropriate said balance, if any, to eligible war orphans who desire to enroll in vocational, technical or business schools; provided further that not more than six scholarships in such schools may be so awarded in any one year.

Mr. Tapp offered the following amendment thereto by way of Substitute therefor, viz:

SUBSTITUTE H. B. 268

An Act relating to the exemption from taxation five hundred dollars on the real estate of any total disabled soldier, sailor, marine, or nurse and providing that sixty (62) shall constitute total disability.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any honorably discharged soldier, sailor, marine, or nurse who shall have served ninety (90) days or more in the military or naval forces of the United States, and who is totally disabled as evidenced by pension certificate or the award of compensation, and the widow of any such soldier, sailor or marine may have the amount of five ($500.00) hundred dollars exempted from his or her tax upon real estate, providing the amount of taxable property as shown by Tax Commissioner's list shall not exceed the amount of five ($5,000.00) thousand dollars and the amount remaining after such exemption shall have been made shall constitute the basis of total disability for any pensioner.

§ 2. That any person desiring to avail himself or herself of the provision of this act, shall, between the first day of March and the first Monday in May, inclusive of each year, file with the Tax Commissioner of the County wherein, he or she is a resident, a sworn statement that he or she is entitled to the provisions of this act and as further evidence of identification, submit for the county Tax Commissioner's inspection his or her pension certificate or the award of compensation: Provided, that in case any person entitled to the benefits of this act shall be under the Committeeship shall file such sworn statements as herein, provided.

§ 3. That any person making a false affidavit or statement in an attempt to obtain the the benefits of this act, not being entitled thereto, shall upon conviction thereof, be fined in any sum not less than twenty five dollars ($25.00) nor more than one hundred ($100.00) dollars to which may be added imprisonment for a term of not more than six months.

Said Substitute was then adopted.

Mr. Neikirk moved that the vote by which said Substitute was adopted, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Carl M. Taylor offered the following amendment to said Substitute, viz:

Amend the Substitute for H. B. 268 on page 2 by adding Section 4 to the printed bill to read as follows: "This Act shall not become effective until July 1st, 1940"

Said amendment to the Substitute was agreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	William K. King	Grover C. Ransom
J. Everett Bach	Clyde D. Lester	Hobart Rayburn
Rell Bevins	Carl Lyttle	Thomas Rigdon
F. C. Boyd	C. C. May	Clarence Rush
C. P. Bradbury	Elmer McGlothen	Carl Scheben
C. C. Byrne	H. H. McGuire	Wm. St. C. Stuart
J. F. Carr	Alton Mitchell	A. Frank Tabb
Leonard Carson	Stanley C. Moebus	W. R. Tapp
T. Fowler Combs	Tyler F. Munford	Carl M. Taylor
Herbert Cook	Rodes K. Myers	Gabe B. Taylor
L. M. Davisworth	Alfred A. Naff	Erna E. Tyra
Forest C. Easley	Homer Neikirk	Cass R. Walden
Garland Embry	Mel Petry	H. L. Waterfield
A. H. Eversole	Henry Plum	R. E. West
C. A. Hale	H. O. Porter	J. D. White
C. L. Hammons	Kleber F. Price	Lee Roy Wilson
John M. Hunnicutt	Ed F. Prichard	Terrill A. Wilson

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Resolved that the title thereof be as amended.

Mr. Plum moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 212. An Act repealing, amending and re-enacting Section 2739j-78, Carroll's Kentucky Statutes, 1936 Edition, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739j-78 be and the same is hereby repealed, amended and re-enacted to read as follows:

1. On or before January 1, 1939 and annually thereafter, and as a condition precedent to the use of the highways of the Commonwealth, every operator of a motor vehicle for hire used primarily for the transportation of property shall pay to the Department of Revenue or its agent at Frankfort, for the privilege of using the highways, an annual excise tax equal to one dollar for each hundred pounds, or fractions thereof. of weight of each motor vehicle operated for hire by him, said weight to be the weight of the motor vehicle at the time of the application for the use of the highways of the Commonwealth and when empty and ready for operation. The excise tax imposed by this section shall in each instance be increased fifty (50%) per cent on each motor vehicle for hire not equipped wholly with pneumatic tires. There shall be added to the tax a penalty of twenty (20%) per cent for failure to pay the tax when the same is due, and, in addition thereto, a penalty of one (1%) per cent for each month, or fraction thereof, the excise tax imposed by this section is in default.

2. Every operator of a motor vehicle for hire upon the payment of the excise tax as provided in the previous section shall cause to be printed or posted on the left side of the cab or hood of each motor vehicle the weight of such motor vehicle

when empty and ready for operation in figures at least three inches in height and preceded by words or letters indicating that this is the weight of the motor vehicle when empty, and shall display so as to be visible any weight tags furnished by the Director of the Division of Motor Transportation.

3. Each application for the use of the highways upon the payment of the tax herein provided for shall be accompanied by a statement, duly attested before a notary public, to the effect that the motor vehicle was weighed at the time of the making of the application and that the weight stated herein is the true weight of the motor vehicle at such time.

4. In addition to any other penalties now or hereafter imposed, any misrepresentation with respect to the weight of a motor vehicle shall be grounds for the revocation of any permit or certificate in the manner provided for the revocation of permits and certificates in section 2739j-89, Carroll's Kentucky Statutes, 1936 Edition.

5. After paying the excise tax no operator of a motor vehicle, subject to the provisions of this act, shall increase the weight of a motor vehicle by any other than ordinary repairs without first obtaining the permission of the Director of the Division of Motor Transportation and paying the additional excise tax on the weight by which the weight of the motor vehicle is so increased.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	William K. King	Ed F. Prichard
J. Everett Bach	Clyde D. Lester	Grover C. Ransom
Rell Bevins	Carl Lyttle	Thomas Rigdon
C. C. Byrne	Elmer McGlothen	Joe E. Robinson
Leonard Carson	G. Samuel Milam	John C. Robinson
George S. Clay	Alton Mitchell	Wm. St. C. Stuart
T. Fowler Combs	Stanley C. Moebus	A. Frank Tabb
Herbert Cook	William E. Mull	W. R. Tapp
F. E. Daugherty	Tyler F. Munford	Carl M. Taylor
Forest C. Easley	Rodes K. Myers	Gabe B. Taylor
Garland Embry	Alfred A. Naff	Cass R. Walden
Ferd A. Gnau	Mel Petry	R. E. West
C. A. Hale	Henry Plum	J. D. White
C. L. Hammons	Kleber F. Price	Terrill A. Wilson

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Those who voted in the negative were—

J. F. Carr	Carl Scheben	Lee Roy Wilson
A. H. Eversole	Erna E. Tyra	
H. H. McGuire	H. L. Waterfield	

—7

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 427. An Act authorizing the Department of Revenue to require the use of crowns in collection of beer taxes; authorizing rules and regulations relating thereto; making provisions for avoiding double taxation; defining terms; providing for punishment of persons who violate the act or regulations pursuant thereto; and for other purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Notwithstanding the provisions of sections 4281c-1 to 4281c-25, Carroll's Kentucky Statutes, 1936 edition, and particularly of section 4281c-10, the Department of Revenue is hereby authorized at its discretion to prescribe that beer taxes be collected by means of tax crowns of such distinctive design as it may prescribe, or by means of both such crowns and stamps used as prescribed in the said Alcoholic Beverage Tax Act, or as may be directed by regulation. (This shall be in lieu of the methods prescribed in said Act.) In the event the said Department of Revenue shall authorize and require the use of tax crowns it shall be unlawful for any beer manufacturer (except to the extent beer is produced for export from Kentucky), distributor, or retailer to have in his possession any beer not having affixed thereto the appropriate crown or stamp as may be required; provided, however, that the Department of Revenue is explicitly required to provide by regulation means whereby no person authorized by law to import beer into Kentucky and repackage the same shall be under the necessity of paying tax on both the original package as imported into the state and also the retail container in which said beer is packaged and distributed.

It is also explicitly required if the Department shall order the use of tax crowns that the said Department devise and enforce by regulation means whereby the manufacturer, or manufacturers, of said crowns shall make bond in favor of the Commonwealth of Kentucky in an amount approved by the Department of Revenue conditioned that the said manufacturer, or manufacturers, will not sell or deliver said crowns to any person except on written approval of the Department of Revenue, and that in all other respects the said manufacturer, or manufacturers, will faithfully safeguard the handling

and distribution of said crowns so that the tax revenues of the Commonwealth may be fully protected.

§ 2. Any violation of this act, or of any valid regulation issued pursuant thereto, shall be punished as provided by the Alcoholic Beverage Tax Act (section 4281c-22, Carroll's Kentucky Statutes, 1936 edition).

§ 3. The term "crown" as used in this act shall be construed to mean such crowns as are used for stopping bottles, lids for the closing of the cans, and stoppers of whatever material or design for sealing containers of beer, but shall not include adhesive stamps such as the Department of Revenue is, by this act, authorized to prescribe and require.

The definitions contained in the first section (section 4281c-1, Carroll's Kentucky Statutes, 1936 edition) of the Alcoholic Beverage Tax Act are hereby adopted for purposes of this act so far as applicable.

This act shall be construed in appropriate relation to the Alcoholic Beverage Act of 1936, heretofore cited, and to the Alcohol Control Act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensd with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	C. C. Byrne	Norman A. Curtis
J. Everett Bach	J. F. Carr	F. E. Daugherty
Rell Bevins	Leonard Carson	L. M. Davisworth
C. P. Bradbury	George S. Clay	A. H. Eversole

Chas. P. Farnsley	Tyler F. Munford	Wm. St. C. Stuart
Ferd A. Gnau	Alfred A. Naff	A. Frank Tabb
C. A. Hale	Homer Neikirk	W. R. Tapp
C. L. Hammons	Mel Petry	Carl M. Taylor
John M. Hunnicutt	Henry Plum	Gabe B. Taylor
William K. King	Kleber F. Price	Erna E. Tyra
Clyde D. Lester	Ed F. Prichard	S. J. Wagner
Carl Lyttle	Grover C. Ransom	Cass R. Walden
Elmer McGlothen	Hobart Rayburn	R. E. West
H. H. McGuire	Thomas Rigdon	Lee Roy Wilson
G. Samuel Milam	Clarence Rush	Terrill A. Wilson
Alton Mitchell	Carl Scheben	—47

Resolved that the title thereof be as aforesaid—

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 288. An Act to repeal, amend and re-enact Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when repealed and re-enacted said section shall read as follows:

§ 2852. *Condemnation of property.*—Whenever, in the opinion of the board of park commissioners, property shall be needed for any park purposes contemplated in this act, either within or beyond the boundaries of the city, in the county in

which such city is located, the said board may, by resolution reciting such need, order the condemnation of such property, and proceedings for such condemnation shall be in the Jefferson circuit court, and conducted in the name of said board by the city attorney. Such proceedings shall be commenced by petition and summons, and carried on as nearly as may be as actions at law by ordinary proceedings are conducted. Non-residents, absent defendants or unknown owners of property shall be proceeded against by warning order as in other civil actions. In such proceedings for condemnation, the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of them holding contiguous properties may be proceeded against in a separate action. The court in which such proceedings for condemnation are instituted shall make such orders, rules and judgments as will secure a fair trial by an impartial jury, which shall be summoned under order of court. Such jury shall consist of twelve free-holders of such city or county, and such trial for condemnation shall have the precedence on the docket of the court, as soon as the parties are before the court and the issues made up. The jurors in such actions for condemnation shall be sworn to ascertain and determine truly and impartially by their verdict the amount of compensation each owner will be entitled to receive if his land or property described in the petition be condemned. And in assessing damages to the owner of the property so condemned, it shall be competent for the jury to consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages other than for the value of the property taken. The court in which such proceedings are instituted shall have the power to assign a day for the trial of the case as soon as the petition is filed. Upon return of the verdict of the jury, the court shall enter judgment vesting in the board of park commissioners of the city the title to the propery de-

scribed and condemned, the said judgment to take effect upon the payment into the court by said board of the amount of money named in the verdict, and the taxed cost of the proceedings, but said board of park commissioners shall have sixty days within which to make said compensation and payment; and if the same be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and proceeings dismissed at the cost of said board; but without prejudice to any subsequent proceedings.

That no proceeding now pending and undetermined for the condemnation of property for park purposes shall be affected by this Act, but the same shall be governed by existing laws.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	Sam Dever	G. Samuel Milam
Rell Bevins	Ferd A. Gnau	Tyler F. Munford
C. P. Bradbury	C. A. Hale	Rodes K. Myers
C. C. Byrne	John M. Hunnicutt	Alfred A. Naff
J. F. Carr	William K. King	Homer Neikirk
George S. Clay	Clyde D. Lester	Mel Petry
T. Fowler Combs	Carl Lyttle	Henry Plum
Norman A. Curtis	Elmer McGlothen	Kleber F. Price
F. E. Daugherty	H. H. McGuire	Ed F. Prichard

Grover C. Ransom	Wm. St. C. Stuart	S. J. Wagner	
Hobart Rayburn	A. Frank Tabb	Cass R. Walden	
William T. Rollo	W. R. Tapp	H. L. Waterfield	
Carl Scheben	Gabe B. Taylor	R. E. West	
Parker Sims	Erna E. Tyra		—41

Resolved that the title thereof be as aforesaid—

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentukcy Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when repealed and re-enacted said section shall read as follows:

"Section 2850. Acquiring Property: Exemeption from Taxation; Conveyance of Real Estate by the Board.—The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicial outlay. The title to all property acquired for park purposes shall vest in the Board of Park Commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park purposs, free from all taxation, imposts, or assesments; state, county, district, municipal or

otherwise except, however, that the said Board of Park Commissioners may convy to the city or municipality such portions of property the title of which is vested in said Board of Park Commissioners as may be necessary and proper for the construction, extension or widening of streets, boulevards or thoroughfares or other public ways."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	Clyde D. Lester	Hobart Rayburn
Rell Bevins	Carl Lyttle	William T. Rollo
C. P. Bradbury	Elmer McGlothen	Carl Scheben
C. C. Byrne	H. H. McGuire	Parker Sims
J. F. Carr	G. Samuel Milam	Wm. St. C. Stuart
George S. Clay	Tyler F. Munford	A. Frank Tabb
T. Fowler Combs	Rodes K. Myers	W. R. Tapp
Norman A. Curtis	Alfred A. Naff	Gabe B. Taylor
F. E. Daugherty	Homer Neikirk	Erna E. Tyra
Sam Dever	Mel Petry	S. J. Wagner
Ferd A. Gnau	Henry Plum	Cass R. Walden
C. A. Hale	Kleber F. Price	H. L. Waterfield
John M. Hunnicutt	Ed F. Prichard	R. E. West
Wm. K. King	Grover C. Ransom	—41

Resolved that the title thereof be as aforesaid—

Mr. Skaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 346. An Act to repeal, amend and re-enact section 561 of Carroll's Kentucky Statutes, 1936 edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when application for dissolution has been filed in his office and further providing that the Secretary of State shall not dissolve any corporation until he has received a certificate of approval from the Department of Revenue, which approval shall relate to the status of the tax liability of said corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 561 of Carroll's Kentucky Statutes 1936 edition be repealed, amended and re-enacted so that when re-enacted said section shall read as follows:

Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its shares of stock, unless otherwise provided in the articles of incorporation, or amendments thereto, close its business and wind up its affairs; and when any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may thereafter continue to act for the purpose of closing up its business, but for no other purpose; and it shall be the duty of the officers to settle up its affairs and business as speedily as possible; and they shall cause notice to be published, for at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business; and a memorandum of such dissolution signed by an authorized officer or agent of the corporation and attested by

the Clerk or his Deputy, shall be made on the margin of the record in the office of the Clerk of the County Court, where the articles of incorporation are recorded; and the corporation shall send written notice thereof, signed by its authorized officer or agent, and a copy of the action of the corporation authorizing such dissolution, together with one copy of said newspaper notice as published, to the Secretary of State, who shall file same, and note such dissolution on the records, in his office; and no corporation shall be deemed to be dissolved except from the time of its compliance with the provisions of this section. For each attestation so made by the Clerk of the County Court, he shall receive twenty-five cents; and all debts and demands against the corporation shall be paid in full before the officers receive anything, provided however, it shall be the duty of the corporation making the application to withdraw from the State or dissolve said corporation to notify the Commissioner of Revenue prior to or at the time of making such application of its intention to withdraw or dissolve the said corporation and the Secretary of State shall not approve or grant the application for any corporation domiciled or authorized to do business in this State to withdraw or dissolve said corporation until the Commissioner of Revenue shall approve in writing the application of withdrawal or dissolution of such corporation. Such approval by the Commissioner of Revenue shall be conditioned solely upon the status of the tax liability of said corporation. The Secretary of State shall not grant any application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this State until all tax liability to the Commonwealth of Kentucky or any of its subdivisions shall have been satisfied in full and so certified by the Commissioner of Revenue, provided however, that if the Commissionr of Revenue fails within thirty days after notice as herein provided for has been delivered to him in regard to the application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this Commonwealth to file with the

Secretary of State a claim for taxes due to the Commonwealth of Kentucky or any of its subdivisions, it will be the duty of the Secretary of State to construe such failure as permission and approval to grant said application for dissolution or withdrawal as the case may be. If, however, it should be later determined that said corporation so withdrawing or dissolving shall be indebted to the Commonwealth or any of its subdivisions for taxes this provision shall not be construed as relieving or discharging any tax liability to the Commonwealth of Kentucky or any subdivision or municipality thereof and any such tax may be collected as is provided by law for the collection of such taxes.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Ferd A. Gnau	Rodes K. Myers
J. Everett Bach	C. A. Hale	Alfred A. Naff
Rell Bevins	John M. Hunnicutt	Homer Neikirk
F. C. Boyd	W. H. Hunt	Mel Petry
C. P. Bradbury	William K. King	Kleber F. Price
C. C. Byrne	Clyde D. Lester	Grover C. Ransom
J. F. Carr	Carl Lyttle	Hobart Rayburn
George S. Clay	C. C. May	Hubert H. Read
T. Fowler Combs	Elmer McGlothen	William T. Rollo
Herbert Cook	H. H. McGuire	Carl Scheben
Norman A. Curtis	Stanley C. Moebus	Wm. St. C. Stuart
F. E. Daugherty	Tyler F. Munford	A. Frank Tabb

W. R. Tapp	S. J. Wagner	R. E. West
Carl M. Taylor	Cass R. Walden	J. D. White
Erna E. Tyra	H. L. Waterfield	Lee Roy Wilson

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Resolved that the title thereof be as aforesaid—

Mr. Daugherty moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Scheben, seconded by Mr. Wagner, moved that a bill entitled:

H. B. 426. (For title see Journal of to-day ante)

Be taken from the hands of the Committee on Rules and placed upon its passage.

Said motion was disagreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Hunnicutt moved that when the House dajourn to-day it adjourn to meet again on Monday, February 28, at one o'clock P. M.

Said motion was agreed to.

Mr. Hunnicutt moved that the House do now recess until three-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of three-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz:

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or leave voting machines to be used in any or all elections or primary elections.

S. Res. 62. A Joint Resolution appropriating from the General Fund of the State of Kentucky $332.66 for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

S. Res. 36. A Joint Resolution appropriating $50.00 from the General Fund of the State of Kentucky for the purpose of paying Ben C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of fifty men from Clark County for criminal jury service in the Breathitt Circuit Court.

S. B. 137. An Act to amend and re-enact Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being Section 32, page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, relating to prior claims on estates, and repealing all laws or parts of laws in conflict with this Act.

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (Now Department of Highways), either or both.

S. B. 203. An Act requiring railroads operating in and through any county in this Commonwealth, passing within five miles of the county seat, to stop and pick up and discharge passengers for points at which such trains have scheduled stops, power being given the state railroad commission for its proper enforcement, penalties being provided for non-compliance with the provisions of this Act.

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interest of the Commonwealth of Kentucky by enabling the State Board of Agriculture to cooperate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

S. Res. 63. A Resolution authorizing and empowering Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

S. Res. 37. A Joint Resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents ($122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

S. B. 151. An Act to regulate and control employment of operators, cashiers and other persons who operate and conduct pari mutuel machines, and providing that ninety per cent (90%) of all such employees be residents of the Commonwealth of Kentucky.

S. Res. 54. Resolution authorizing F. W. Childers to

sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky and/or the State Highway Department.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and/or the Department of Highways of Kentucky.

S. Res. 44. Resolution authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Easley of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. B. 141. An Act to authorize real estate title insurance companies to invest in securities as domestic insurance com-

panies, other than life are authorized by law to invest capital, surplus and accumulations.

H. B. 158. An Act to authorize the Governor, administrative departments and independent agencies to apply for, receive and expend Federal funds.

H. Res. 3. Resolution to authorize L. V. Stone to sue the Commonwealth.

H. Res. 9. Resolution authorizing Fannie B. Anderson, Sallie B. Jones and Ada Hathaway to sue the Commonwealth.

H. Res. 10. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth.

H. Res. 11. Resolution authorizing personal representative of W. H. Hyden, deceased, to sue the Commonwealth.

H. Res. 12. Resolution authorizing A. H. Bowman to sue the Commonwealth.

H. Res. 13. Resloution authorizing D. J. Harman to sue the Commonwealth.

H. Res. 14. Resolution authorizing Lina Throckmorton and Harold Throckmorton to sue the Commonwealth.

H. Res. 15. Resolution authorizing Luther Phillips, personal representative of Edward Phillips, deceased, to sue the Commonwealth.

H. Res. 16. Resolution authorizing personal representative of Jasper Johnson, deceased, to sue the Commonwealth.

H. Res. 17. Resolution authorizing Kurt W. Krafft to sue Jefferson County.

H. Res. 18. Resolution authorizing Sill Hamilton to sue the Commonwealth.

H. Res. 19. Resolution authorizing W. J. Hockaday to sue the Commonwealth.

H. Res. 24. Resolution authorizing Richard Cox, Frank Anderson and Earl D. Dacon to sue the Commonwealth and Fish and Game Commission.

H. Res. 25. Resolution authorizing personal representative of Mrs. Alda Dever, deceased, and William Dever to sue the Commonwealth.

H. Res. 26. Resolution authorizing Elmo M. Robertson to sue the Commonwealth.

H. Res. 28. Resolution authorizing Mrs. Joe Pence to sue the Commonwealth and State Highway Commission.

H. Res. 29. Resolution authorizing Joe Pence to sue the Commonwealth and State Highway Commission.

H. Res. 30. Resolution authorizing personal representative of William Anderson to sue the Commonwealth and State Highway Commission.

H. Res. 34. Resolution authorizing Milton McGrew to sue the Commonwealth and State Highway Commission.

H. Res. 36. Resolution authorizing James M. Towe to sue the Commonwealth and State Highway Department.

H. Res. 37. Resolution authorizing Ethel Carr to sue Jefferson County Fiscal Court.

H. Res. 38. Resolution authorizing Mrs. Arthur Brown, administratrix of the estate of J. T. Brown, deceased, to sue the Commonwealth and State Highway Department.

H. Res. 39. Resolution authorizing personal representative of Dr. Thomas Ralston to sue the Commonwealth and State Highway Department.

H. Res. 40. Resolution authorizing Thomas Marshall to sue the Commonwealth and State Highway Department.

H. Res. 41. Resolution authorizing Omelia Bowen Murphy to sue the Commonwealth and Kentucky State Industrial College.

H. Res. 44. Resolution authorizing O. B. Coffee to sue the Commonwealth and Kentucky State Industrial College.

H. Res. 45. Resolution authorizing Bedford Daniel, administrator of the estate of Henderson Daniel, to sue the Commonwealth.

H. Res. 47. Resolution authorizing Raymond Hall to sue the Commonwealth and the Department of Agriculture, Labor and Statistics.

H. Res. 48. Resolution authorizing the personal representative of Jasper Barnett to sue the Department of Highways and the Commonwealth of Kentucky.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the

Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bills and resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 129. An Act providing for the regulation of the manufacture of and traffic in alcoholic beverages; etc.

Ordered that said bill be delivered to the Enroling Clerk of this House.

Mr. Easley of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. 212. An Act to provide annual excise tax of one dollar for each hundred pounds of weight of motor vehicles operated for hire on the public highways.

S. B. 194. An Act to authorize railroad companies to

transport persons and property as common carriers by motor vehicles on highways and by aeroplanes in the air.

Thereupon all other business was suspended, said bills were read and compared in open session and found to be correctly enrolled, the thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Mr. Hunnicutt moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 28, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend Walter Cropper of the Methodist Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Geo. P. Anderson	C. C. Byrne	G. Cunningham
J. Everett Bach	J. F. Carr	Norman A. Curtis
William T. Baker	George S. Clay	Willard Q. Daniel
B. F. Bedford	H. S. Cleveland	F. E. Daugherty
Rell Bevins	T. Fowler Combs	L. M. Davisworth
F. C. Boyd	Herbert Cook	Sam Dever
C. P. Bradbury	John C. Cornett	Forest C. Easley

Garland Embry
Archie H. Eversole
Raymond Eyl
Chas. P. Farnsley
Ferd A. Gnau
C. A. Hale
Ralph Hamilton
S. T. Hamilton
C. L. Hammons
Ira W. Hulette
John M. Hunnicutt
W. H. Hunt
Ben W. Johnson
William K. King
Clyde D. Lester
Carl Lyttle
Peter P. Mattingly
C. C. May
M. T. McCarthy
Elmer McGlothen
H. H. McGuire
J. H. McKinney
G. Samuel Milam
Alton Mitchell
Stanley C. Moebus
John B. Mollette
William E. Mull
Tyler F. Munford
Rodes K. Myers
Alfred A. Naff
Homer Neikirk
Luster C. Oxley
Mel Petry
Henry Plum
H. O. Porter
Kleber F. Price
Ed F. Prichard
Grover C. Ransom
Hobart Rayburn
Hubert H. Read
Thomas Rigdon
E. S. Robey
John C. Robinson
William T. Rollo
E. A. Rose
Clarence Rush
Carl Scheben
Leon J. Shaikun
W. S. Shanklin
Parker Sims
Wm. St. C. Stuart
A. Frank Tabb
W. R. Tapp
Carl M. Taylor
Gabe B. Taylor
Erna E. Tyra
S. J. Wagner
Cass R. Walden
Joe L. Wall
Henry Ward
H. L. Waterfield
R. E. West
J. D. White
John M. Williams
W. G. Williams
Lee Roy Wilson
James W. Young

Mr. Wagner moved that the Journal of Saturday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Baker moved that the privilege of the floor be extended to Messrs. Ben Allen Thomas and Charles Randolph.

Said motion was agreed to.

Mr. Ralph Hamilton moved that the privilege of the floor be extended to Mr. Carl S. Hamilton of Marion, Kentucky.

Said motion was agreed to.

Mr. Cleveland moved that the privilege of the floor be extended to Mrs. H. K. Bourne.

Said motion was agreed to.

Mr. Munford moved that the privilege of the floor be extended to Mr. Walter B. Smith of Pineville, Kentucky.

Said motion was agreed to.

Mr. Farnsley offered the following resolution, viz:

WHEREAS, the custom heretofore prevailing in Kentucky pertaining to the appointment of colonels on the staff of his Excellency the Governor of this Commonwealth is a time honored one and its cessation has caused disappointment, and has deprived our Commonwealth of a method of bestowing an honor on many worthy and deserving citizens and has prevented the expression of appreciation in a substantial and graceful way, for services and good deeds, that can in no comparable way be adequately expressed.

NOW BE IT RESOLVED that the House of Representatives respectfully request and recommend that his Excellency the Governor of Kentucky on Kentucky Day which has heretofore been established as the 12th day of December in each year announce and appoint ten colonels to serve on his staff reciting in the announcement of the appointment the outstanding act or services to Kentucky for which the decoration of honor has been bestowed.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. B. 6. An Act to amend Sec. 1 of Chapter 87 of an Act entitled "An Act to authorize the incorporation of Chambers of Commerce, provide for their government and the collection of dues, etc.

H. B. 35. An Act adopting as the Civil and Criminal Codes of Practice of the Commonwealth of Kentucky, the edition of Carroll's Kentucky Codes, Civil and Criminal, compiled and edited by William E. Baldwin etc.

H. B. 36. An Act adopting as the law of the Commonwealth of Kentucky the edition of Carroll's Kentucky Statutes, compiled and edited by William E. Baldwin and Richard Priest Dietzman, etc.

H. B. 57. An Act to repeal Sec. 3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to marshals, their duties and powers and the collection of taxes in cities of the fifth class.

H. B. 84. An Act amending the Constitution of the Commonwealth of Kentucky, relating to assistance to the aged, to the blind and to dependent children etc.

H. B. 185. An Act relating to the Department of Highways and providing for the employment of an Assistant Attorney General for said department.

H. B. 262. An Act regulating and limiting the liability of hotel keepers and inn keepers, and providing circumstances under which liability may be limited

H. Res. 27. Resolution directing the payment to William D. Overton of the sums directed to be paid pursuant to the Joint Resolution of the General Assembly approved March 15, 1934.

H. Res. 31. Resolution for the benefit of O. J. Wilson, an officer in Company D. 149th Infantry of the United States Guard.

H. B. 210. An Act prohibiting the operation of road-houses, tourist camps, places of public entertainment without a permit from the county court; etc.

With amendments thereto as proposed and adopted by the Senate.

Mr. Myers moved that the House do now concur in said amendments as proposed and adopted by the Senate.

Said motion was agreed to.

(For bill see House Journal of February 3)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend H. B. 210 by adding to Section 14 these words "nor to transient and temporary entertainment such as circuses, carnivals and county fairs" So that Section 14 as amended shall read:

Section 14. Nothing in this act shall apply to any private home, nor to entertainment of the bona fide guests in a private home, nor to places of business conducted only as filling stations for motor vehicles, or grocery stores, nor to transient and temporary entertainments such as circuses, carnivals, and county fairs."

2. Amend H. B. 210 as follows: on page 4, line 7, after the word "married", add the following: "to each other", so that line 7 when so amended shall read: "to permit any man and woman who are not married to each other to occupy any"

Said amendments were each concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	S. T. Hamilton	E. S. Robey
William T. Baker	C. L. Hammons	John C. Robinson
B. F. Bedford	John M. Hunnicutt	William T. Rollo
Rell Bevins	W. H. Hunt	E. A. Rose
F. C. Boyd	Ben W. Johnson	Clarence Rush
C. P. Bradbury	Clyde D. Lester	Carl Scheben
C. C. Byrne	Peter P. Mattingly	Leon J. Shaikun
J. F. Carr	C. C. May	W. S. Shanklin
George S. Clay	H. H. McGuire	Parker Sims
H. S. Cleveland	J. H. McKinney	Wm. St. C. Stuart
Herbert Cook	Alton Mitchell	A. Frank Tabb
John C. Cornett	Stanley C. Moebus	Carl M. Taylor
G. Cunningham	John B. Mollette	Erna E. Tyra
Norman A. Curtis	William E. Mull	S. J. Wagner
Willard Q. Daniel	Tyler F. Munford	Cass R. Walden
F. E. Daugherty	Rodes K. Myers	Joe L. Wall
L. M. Davisworth	Homer Neikirk	Henry Ward
Sam Dever	Mel Petry	H. L. Waterfield
Forest C. Easley	H. O. Porter	R. E. West
Garland Embry	Kleber F. Price	J. D. White
A. H. Eversole	Ed F. Prichard	John M. Williams
Raymond Eyl	Grover C. Ransom	Lee Roy Wilson
C. A. Hale	Hobart Rayburn	James W. Young
Ralph Hamilton	Thomas Rigdon	—71

Mr. Myers moved that the vote by which said bill was passed as amended be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 19. An Act to amend Chapter 94 of the 1936 Edition of Carroll's Kentucky Statutes, by repealing and reenacting Sections 3767 and 3773 of said Statutes, being parts of said Chapter 94, relating to the business that may be conducted by limited partnerships etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 24)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 19 by adding at line 7, page 1, after the comma following the word "business" the following additional language: "or for acting as agents for insurance companies."

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Rell Bevins	C. C. Byrne
William T. Baker	F. C. Boyd	J. F. Carr
B. F. Bedford	C. P. Bradbury	George S. Clay

H. S. Cleveland	Peter P. Mattingly	E. A. Rose
Herbert Cook	C. C. May	Clarence Rush
John C. Cornett	H. H. McGuire	Carl Scheben
G. Cunningham	Jas. H. McKinney	Leon J. Shaikun
Norman A. Curtis	Alton Mitchell	W. S. Shanklin
Willard Q. Daniel	Stanley C. Moebus	Parker Sims
F. E. Daugherty	John B. Mollette	Wm. St. C. Stuart
L. M. Davisworth	William E. Mull	A. Frank Tabb
Sam Dever	Tyler F. Munford	Carl M. Taylor
Forest C. Easley	Rodes K. Myers	Erna E. Tyra
Garland Embry	Homer Neikirk	S. J. Wagner
A. H. Eversole	Mel Petre	Cass R. Walden
Raymond Eyl	H. O. Porter	Joe L. Wall
C. A. Hale	Kleber F. Price	Henry Ward
Ralph Hamilton	E. F. Prichard	H. L. Waterfield
S. T. Hamilton	Grover C. Ransom	R. E. West
C. L. Hammons	Hobart Rayburn	J. D. White
John M. Hunnicutt	Thomas Rigdon	J. M. Williams
W. H. Hunt	E. S. Robey	Lee Roy Wilson
Ben W. Johnson	John C. Robinson	James W. Young
Clyde D. Lester	William T. Rollo	—71

Mr. Myers moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. Res. 8. Resolution authorizing D. J. Harman of Wayland, Kentucky to sue the Commonwealth.

With an amendment thereto by way of Substitute therefor, as proposed and adopted by the Senate.

(For resolution see House Journal of January 25)

Said Substitute as proposed and adopted by the Senate is as follows, viz:

RESOLUTION authorizing Mrs. D. J. Harman to sue the Commonwealth of Kentucky and/or the State Highway Commission.

WHEREAS, on October 25, 1937, at Stanton, Kentucky, while on a State Highway and headed towards the city of Winchester, Kentucky, while a passenger in an automobile operated by her husband, the automobile of her husband was struck and practically demolished by a Highway truck traveling in an opposite direction, and

WHEREAS, the said Mrs. D. J. Harman suffered injury by reason of a dislocated elbow and cuts on her hand, by reason of the collision with the State Highway truck, and

WHEREAS, she has sustained these injuries by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. D. J. Harman be, and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission, in the circuit court of the county of her residence, for such damages and injury as she may have suffered, if any, by reason of any injury received by her through the carelessness or negligence of the State Highway Commission, its agents or employees. In the event any judgment may be recovered by the said Mrs. D. J. Harman the same shall be paid by the Auditor by warrant on the Treasurer of the Commonwealth.

Section 2. Either party to said suit may appeal from any judgment rendered in this case to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

Said Substitute was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach
William T. Baker
B. F. Bedford
Rell Bevins
F. C. Boyd
C. P. Bradbury
C. C. Byrne
J. F. Carr
George S. Clay
H. S. Cleveland
Herbert Cook
John C. Cornett
G. Cunningham
Norman A. Curtis
Willard Q. Daniel
F. E. Daugherty
L. M. Davisworth
Sam Dever
Forest C. Easley
Garland Embry
A. H. Eversole
Raymond Eyl
C. A. Hale
Ralph Hamilton
S. T. Hamilton
C. L. Hammons
John M. Hunnicutt
W. H. Hunt
Ben W. Johnson
Clyde D. Lester
Peter P. Mattingly
C. C. May
H. H. McGuire
J. H. McKinney
Alton Mitchell
Stanley C. Moebus
John B. Mollette
William E. Mull
Tyler F. Munford
Rodes K. Myers
Homer Neikirk
Mel Petry
H. O. Porter
Kleber F. Price
E. F. Prichard
Grover C. Ransom
Hobart Rayburn
Thomas Rigdon
E. S. Robey
John C. Robinson
William T. Rollo
E. A. Rose
Clarence Rush
Carl Scheben
Leon J. Shaikun
W. S. Shanklin
Parker Sims
Wm. St. C. Stuart
A. Frank Tabb
Carl M. Taylor
Erna E. Tyra
S. J. Wagner
Cass R. Walden
Joe L. Wall
Henry Ward
H. L. Waterfield
R. E. West
J. D. White
John M. Williams
Lee Roy Wilson
James W. Young
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Mr. Myers moved that the vote by which said resolution was adopted as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the House.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or leave voting machines to be used in any or all elections or primary elections.

S. Res. 62. A Joint Resolution appropriating from the General Fund of the State of Kentucky $332.66 for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

S. Res. 36. A Joint Resolution appropriating $50.00 from the General Fund of the State of Kentucky for the purpose of paying Ben C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of fifty men from Clark County for criminal jury service in the Breathitt Circuit Court.

S. B. 137. An Act to amend and re-enact Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being Section 32, page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, relating to prior claims on estates, and repealing all laws or parts of laws in conflict with this Act.

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (Now Department of Highways), either or both.

S. B. 203. An Act requiring railroads operating in and through any county in this Commonwealth, passing within five miles of the county seat, to stop and pick up and discharge passengers for points at which such trains have scheduled stops, power being given the state railroad commission for its proper enforcement, penalties being provided for non-compliance with the provisions of this Act.

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interests of the Commonwealth of Kentucky by enabling the State Board of Agriculture to cooperate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

S. Res. 63. A Resolution authorizing and empowering Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

S. Res. 37. A Joint Resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents ($122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

S. B. 151. An Act to regulate and control employment of operators, cashiers and other persons who operate and conduct pari mutuel machines, and providing that ninety per cent (90%) of all such employees be residents of the Commonwealth of Kentucky.

S. Res. 54. Resolution authorizing F. W. Childers to sue

the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky and/or the State Highway Department.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and/or the Department of Highways of Kentucky.

S. Res. 44. Resolution authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions the second time at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 154. An Act to repeal, amend and re-enact Section Seven hundred sixty-two A Fourteen A (762A-14A), Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to maintenance of an office within this Commonwealth by insurance agents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Seven hundred sixty-two A Fourteen A (762A-14A), of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to maintenance of an office within this Commonwealth by insurance agents be amended and re-enacted so that said Section shall read as follows:

An insurance agent, as defined in Section One (a) of this act, shall maintain an office within this Commonwealth and shall keep therein at all times a complete permanent record of all applications for any policies of insurance placed by or through him or it and he shall not sign any policies in blank to be issued outside of his or its office and he shall be a bona fide resident of this Commonwealth duly authorized, in writing, by any insurer lawfully qualified to transact the business of insurance in this Commonwealth and he shall comply with all the rules and regulations prescribed and promulgated by the Insurance Commissioner. And provided further that in cities and towns located partly within and partly without this state the requirements of this section as to residence and principal place of business of agents shall be construed as met, if such agents shall have his residence or principal place of business in any part of such city or town and the other state in which such city or town is located shall have established, by law or regulation, like requirements as to residence and place of business of such agents.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	John M. Hunnicutt	John C. Robinson
B. F. Bedford	W. H. Hunt	William T. Rollo
Rell Bevins	Ben W. Johnson	E. A. Rose
F. C. Boyd	Clyde D. Lester	Carl Scheben
C. P. Bradbury	Peter P. Mattingly	Leon J. Shaikun
C. C. Byrne	C. C. May	W. S. Shanklin
J. F. Carr	M. T. McCarthy	Parker Sims
George S. Clay	Elmer McGlothen	Wm. St. C. Stuart
H. S. Cleveland	J. H. McKinney	A. Frank Tabb
T. Fowler Combs	G. Samuel Milam	Carl M. Taylor
Herbert Cook	Stanley C. Moebus	Gaibe B. Taylor
John C. Cornett	John B. Mollette	Erna E. Tyra
G. Cunningham	William E. Mull	S. J. Wagner
Norman A. Curtis	Tyler F. Munford	Cass R. Walden
Willard Q. Daniel	Rodes K. Myers	Joe L. Wall
F. E. Daugherty	Homer Neikirk	Henry Ward
Sam Dever	Henry Plum	H. L. Waterfield
Forest C. Easley	H. O. Porter	R. E. West
Garland Embry	Kleber F. Price	J. D. White
A. H. Eversole	E. F. Prichard	John M. Williams
Raymond Eyl	Grover C. Ransom	W. G. Williams
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
Ralph Hamilton	Thomas Rigdon	James W. Young
S. T. Hamilton	E. S. Robey	

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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 42. An Act relating to the joint control with any surety of money or securities or other assets by any administrator, executor, committee, guardian, trustee or any other judiciary for whom a bond, undertaking, or other obligation is required.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ONE. That it shall be lawful for any party of whom a bond, undertaking or other obligation is required to agree with his surety or sureties for the deposit of any or all moneys and assets for which he and his surety or sureties are or may be held responsible, with a bank, savings bank, safe deposit or trust company, authorized by law to do business in Kentucky as such, or with other depository in Kentucky approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such money or assets or any part thereof, without the written consent of such surety or sureties, or an order of court, or a judge thereof, made on such notice to such surety or sureties as such court or judge may direct; provided, however, that such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the said bond.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	Ben W. Johnson	E. A. Rose
B. F. Bedford	William K. King	Clarence Rush
Rell Bevins	Clyde D. Lester	Carl Scheben
F. C. Boyd	Peter P. Mattingly	W. S. Shanklin
C. P. Bradbury	C. C. May	Parker Sims
C. C. Byrne	Elmer McGlothen	Wm. St. C. Stuart
J. F. Carr	J. H. McKinney	A. Frank Tabb
George S. Clay	G. Samuel Milam	W. R. Tapp
T. Fowler Combs	John B. Mollette	Carl M. Taylor
John C. Cornett	William E. Mull	Gabe B. Taylor
G. Cunningham	Rodes K. Myers	S. J. Wagner
Norman A. Curtis	Luster C. Oxley	Cass R. Walden
Willard Q. Daniel	Mel Petry	Joe L. Wall
F. E. Daugherty	Henry Plum	H. L. Waterfield
Sam Dever	H. O. Porter	R. E. West
Forest C. Easley	Kleber F. Price	J. D. White
Raymond Eyl	Ed F. Prichard	John M. Williams
C. A. Hale	Grover C. Ransom	W. G. Williams
Ralph Hamilton	Hobart Rayburn	Lee Roy Wilson
S. T. Hamilton	Hubert H. Read	James W. Young
John M. Hunnicutt	Thomas Rigdon	
W. H. Hunt	William T. Rollo	

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There voted in the negative—

Erna E. Tyra —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 38. An Act to amend and re-enact Section 913-1, Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 913-1, Carroll's Kentucky Statutes, 1936 Edition be, and same is hereby amended so that as amended the same shall read as follows:

That the various counties of the Commonwealth of Kentucky be, and they are authorized to enter into any contracts with any city in the Commonwealth owning and operating its own municipal or city hospital for hospitalization of poor and indigent persons, residents of the counties so contracting, who may require hospitalization and are financially unable to pay for same, and to pay for same out of the county funds: Provided, however, that in any county of the Commonwealth wherein there is no city owned hospital, the Fiscal Court of such county, or counties, are authorized to enter into such contracts with any privately owned hospital of such county, or some other county and pay for same as herein provided.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	John M. Hunnicutt	John C. Robinson
B. F. Bedford	W. H. Hunt	William T. Rollo
Rell Bevins	Ben W. Johnson	Clarence Rush
C. P. Bradbury	William K. King	Carl Scheben
C. C. Byrne	Clyde D. Lester	W. S. Shanklin
J. F. Carr	Peter P. Mattingly	Parker Sims
H. S. Cleveland	C. C. May	Wm. St. C. Stuart
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	Elmer McGlothen	Carl M. Taylor
John C. Cornett	J. H. McKinney	Gabe B. Taylor
Norman A. Curtis	Stanley C. Moebus	Erna E. Tyra
Willard Q. Daniel	John B. Mollette	Cass R. Walden
F. E. Daugherty	William E. Mull	Joe L. Wall
Sam Dever	Rodes K. Myers	Henry Ward
Forest C. Easley	Mel Petry	H. L. Waterfield
Garland Embry	Henry Plum	R. E. West
A. H. Eversole	H. O. Porter	J. D. White
Raymond Eyl	Kleber F. Price	John M. Williams
C. A. Hale	Ed F. Prichard	W. G. Williams
Ralph Hamilton	Grover C. Ransom	Lee Roy Wilson
S. T. Hamilton	Thomas Rigdon	James W. Young

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There voted in the negative—

George S. Clay —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 92. An Act relating to libraries, creating a board for the certification of librarians and defining powers, and prescribing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the State of Kentucky:

§ 1. This act is presented in order to provide for the improvement of library service in the State.

§ 2. There is hereby created in the Library Extension Division of the Department of Library and Archives a State Board for the Certification of Librarians, which shall consist of the State Librarian, who shall be an ex-officio member, the Head of the Library Extension Division and five members, to be appointed by the Governor from a list submitted by the Board of Directors of the Kentucky Library Association. Two of said members shall be full time professional librarians in active public library work, two shall be full time professional librarians in institutions of higher learning and one member shall be a library trustee.

Except in the case of the ex-officio member of the Board and the Head of the Library Extension Division, the term of office of each member shall be four (4) years. The first members of the Board, excepting the ex-officio member and the Head of the Library Extension Division, shall be appointed for terms beginning July 1, 1938; one for a term of one (1) year; one for a term of two (2) years; one for a term of three (3) years; and two for a term of four (4) years. Vacancies shall be filled by appointment for the unexpired terms in the same manner as original appointments are made.

The members shall receive no compensation except actual and necessary expenses, incurred in attending meetings, not to exceed $10.00 per member per meeting.

The Board shall hold at least one meeting each year at a time to be fixed by the rules of the Board, and such special meetings as may be determined by the board. A Chairman and Secretary shall be elected at each annual meeting to serve during the ensuing year.

§ 3. The Board shall grant certificates of librarianship without examination to applicants who are graduates of library schools approved by the Board and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities for professional library work and is competent to carry on library work ably and efficiently.

The Board shall have the authority to issue renewals, to determine the positions for which certificates of librarianship shall be required, and to adopt rules and regulations not inconsistent with the law for its own government and for carrying out the purposes of this act.

§ 4. This act shall not be construed to affect any librarian in his or her present position, providing said librarian has served in library work in the state for at least one year prior to the taking effect of the act. Such librarians as are now in service shall be entitled to receive a certificate in accordance with their qualifications, without examination, upon the payment of prescribed fee, and such a certificate shall be a life certificate.

§ 5. After January 1, 1939, any library coming under this act shall not have in its employ, in the position of librarian, or in any other full time professional library position, a person who does not hold a certificate of librarianship issued by the board.

§ 6. The provisions of this act shall apply to public libraries and all other libraries supported in whole or in part by public funds and with the exceptions of the county law libraries, law and legislative libraries, public school libraries, and libraries in municipalities, counties, regions or other governmental units having less than 3,000 population.

§ 7. The Board may issue certificates to qualified persons who are serving in libraries not supported from public funds.

§ 8. The Board shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate.

§ 9. Any person, group of persons or Corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $10.00 nor more than $100.00 for each offense and each day that such violation continues shall be deemed a separate offense.

§ 10. The librarian's certification fund is hereby created in the State Treasury. It shall be a revolving fund and all moneys collected under the provisions of this act shall be deposited in said fund. All moneys credited to said fund shall be used for the support of the Board of Certification of Librarians, and for the purposes of this act, in accordance with law.

§ 11. The Board shall have the right to revoke certificates issued under the provisions of this act and held by any person who may be guilty of violating the provisions of this act, provided, however, that written notice of such proposed action shall have been delivered in person, or forwarded by registered mail to the holder of such certificate at the last known Post Office address, stating the cause for such contemplated action together with a copy of the charges and appointing a time and a place for hearing thereon by the Board.

§ 12. The Board shall grant hearings for the purposes of reconsidering applications and awards, provided the applicant files with the Board within a period of twenty days of issuance of or refusal to issue a certificate, a petition for rehearing. The Board's refusal to grant certificates may be reviewed and its issuance may be ordered by any court having jurisdiction.

§ 13. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder of said Act, and shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

B. F. Bedford	Raymond Eyl	Luster C. Oxley
Rell Bevins	C. A. Hale	Mel Petry
F. C. Boyd	Ralph Hamilton	Henry Plum
C. P. Bradbury	S. T. Hamilton	H. O. Porter
C. C. Byrne	John M. Hunnicutt	Kleber F. Price
J. F. Carr	W. H. Hunt	E. F. Prichard
George S. Clay	William K. King	Grover C. Ransom
T. Fowler Combs	Clyde D. Lester	Hobart Rayburn
Herbert Cook	C. C. May	Hubert H. Read
John C. Cornett	Elmer McGlothen	Thomas Rigdon
G. Cunningham	J. H. McKinney	E. S. Robey
Willard Q. Daniel	Stanley C. Moebus	John C. Robinson
F. E. Daugherty	John B. Mollette	William T. Rollo
Sam Dever	William E. Mull	E. A. Rose
Forest C. Easley	Rodes K. Myers	Carl Scheben
Garland Embry	Alfred A. Naff	W. S. Shanklin
A. H. Eversole	Homer Neikirk	Parker Sims

A. Frank Tabb	Cass R. Walden	J. D. White
W. R. Tapp	Joe L. Wall	J. M. Williams
Carl M. Taylor	Henry Ward	W. G. Williams
Gabe B. Taylor	H. L. Waterfield	Lee Roy Wilson
S. J. Wagner	R. E. West	James W. Young

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Resolved that the title thereof be as aforesaid—

Mr. King moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 168. An Act to change the town of Evarts, Harlan county from sixth to fifth class city.

Mr. Hunnicutt moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

Mr. Hunnicutt moved that when the House adjourn to-day, it adjourn out of respect to the memory of Thomas Galloway, Doorkeeper of the House for this Regular session of 1938, whose death occurred on yesterday.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 26. An Act to authorize county attorney of Jefferson county to employ stenographer at annual salary not to exceed $1,500.00.

Mr. Hunnicutt moved that said bill be laid on the Clerk's desk.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 71. An Act to amend Section 965-24, Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the Twenty-Fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefor, relating to Circuit Courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965-24, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is amended with reference to the Twenty-Fourth Judicial District of Kentucky, and as amended shall read as follows:

Johnson County—at Paintsville, Kentucky—beginning on the Second Monday in February, Twenty-four juridical days; Second Monday in June, Twenty-four juridical days; Second Monday in November, Twenty-four juridical days.

Martin County—at Inez, Kentucky, beginning on the Third Monday in January, Eighteen juridical days; Third Monday in May, Eighteen juridical days; Third Monday in September, Eighteen Juridical days.

§ 2. This Act shall be effective on and after July 1st, 1938.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	W. H. Hunt	E. S. Robey
B. F. Bedford	Ben W. Johnson	Joe E. Robinson
Rell Bevins	William K. King	E. A. Rose
F. C. Boyd	Carl Lyttle	Clarence Rush
C. P. Bradbury	C. C. May	Carl Scheben
C. C. Byrne	M. T. McCarthy	W. S. Shanklin
J. F. Carr	Elmer McGlothen	Parker Sims
George S. Clay	J. H. McKinney	Wm. St. C. Stuart
T. Fowler Combs	Stanley C. Moebus	A. Frank Tabb
Herbert Cook	John B. Mollette	W. R. Tapp
John C. Cornett	Rodes K. Myers	Carl M. Taylor
G. Cunningham	Alfred A. Naff	Gabe B. Taylor
Norman A. Curtis	Homer Neikirk	Erna E. Tyra
F. E. Daugherty	Mel Petry	S. J. Wagner
Sam Dever	Henry Plum	Cass R. Walden
Forest C. Easley	H. O. Porter	Joe L. Wall
Garland Embry	Kleber F. Price	H. L. Waterfield
Raymond Eyl	E. F. Prichard	R. E. West
Ferd A. Gnau	Grover C. Ransom	J. D. White
C. A. Hale	Hobart Rayburn	Lee Roy Wilson
Ralph Hamilton	Hubert H. Read	James W. Young
S. T. Hamilton	Thomas Rigdon	—65

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 89. An Act to outlaw traps or other devices which do not take alive unhurt or kill at once fur-bearing animals.

Mr. Farnsley moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 208. An Act to enable cities of the second, third, fourth and fifth class, and counties containing a city of such class of the Commonwealth to acquire land for aviation fields, providing that such cities and counties may acquire such lands within their corporate limits or anywhere in the county in which the city is located, for aviation fields and to establish and equip the same airports: and authorizing cities and counties to use, operate and control the same for the benefit of such cities and counties and the inhabitants thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 12, Section 1, of the Acts of 1930 General Assembly (now Section 2741q, Kentucky Statutes) be repealed, amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

§ 1. That any city of the second, third, fourth and fifth class and any county containing such city within this Commonwealth be and it is hereby authorized and empowered to acquire, either by leasing, purchase, gift or condemnation in the same manner as park property is acquired any and all land necessary or suitable for establishing aviation fields and airports in any city, or in the county in which such city is sit-

uated, and the county may acquire same anywhere within its territorial boundaries, and they are further authorized and empowered to erect, equip, operate and maintain on such land such buildings, equipment, runways and other furnishings as may be necessary, incidental to or proper or desirable for the establishment and maintenance of such aviation fields and airports. Such cities and counties, for the purpose of the purchase of said aviation fields and the equipment, establishment and maintenance of same as airports and other matters and purposes provided herein may expend out of any funds in their hands such money as may be necessary, and may maintain same out of their funds to the extent that they are authorized to maintain public parks in such cities and counties, and said aviation fields and airports are authorized as public parks of such cities and counties.

In the event any such city or county shall have purchased or leased land for airport purposes, as above set out, and shall desire to have a responsible person, association or corporation operate such property in order to assure more successful and proper operation, then, the governing body of any such city or county may lease, assign or sub-lease the whole or any part of any such airport or municipal field for aviation purposes to one or more responsible persons, associations or corporations jointly or severally for any purpose directly or incidentally and necessarily required for the successful and proper operation of such property upon terms as shall insure fair, financial return to the lessee and impartial operation thereof and rendition of services and conveniences thereon. The lessee may be granted in said lease exclusive fees for commercial and schooling services together with exclusive concessions for equipment used on said field.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

G. P. Anderson	Ralph Hamilton	Hubert H. Read
Everett J. Bach	S. T. Hamilton	Thomas Rigdon
B. F. Bedford	C. L. Hammons	John C. Robinson
Rell Bevins	John M. Hunnicutt	William T. Rollo
F. C. Boyd	W. H. Hunt	E. A. Rose
C. P. Bradbury	Ben W. Johnson	Clarence Rush
C. C. Byrne	Carl Lyttle	Carl Scheben
J. F. Carr	M. T. McCarthy	W. S. Shanklin
George S. Clay	Elmer McGlothen	Parker Sims
H. S. Cleveland	H. H. McGuire	Wm. St. C. Stuart
T. Fowler Combs	J. H. McKinney	A. Frank Tabb
John C. Cornett	Stanley C. Moebus	Carl M. Taylor
G. Cunningham	John B. Mollette	Gabe B. Taylor
Norman A. Curtis	Tyler F. Munford	Erna E. Tyra
Willard Q. Daniel	Rodes K. Myers	S. J. Wagner
F. E. Daugherty	Alfred A. Naff	Cass R. Walden
Sam Dever	Homer Neikirk	Henry Ward
Forest C. Easley	Mel Petry	H. L. Waterfield
Garland Embry	Henry Plum	L. Roger Wells
A. H. Eversole	H. O. Porter	R. E. West
Raymond Eyl	Kleber F. Price	J. M. Williams
Chas. P. Farnsley	Ed F. Prichard	Lee Roy Wilson
Ferd A. Gnau	Grover C. Ransom	
C. A. Hale	Hobart Rayburn	—70

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk, a bill entitled:

S. B. 89. An Act relating to the trapping of animals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any person in this state to set, use or maintain, for the capture of fur-bearing animals, any trap, snare, or other device which does not either take alive unhurt or kill at once. That it shall be lawful to use any of the new kinds of leghold traps which take and hold without pain or injury, any box or wire-cage trap, the old-fashioned deadfall, and the instant-killing traps for very small animals, Provided, that if instant-killing traps are used, they shall be set within a burrow or hole, so as not to injure domestic animals.

§ 2. That it shall be unlawful for any person to set any trap or traps on the land of another person without written permission from the owner of the land.

§ 3. That each person who shall set a trap or traps must visit it or them at least once in each twenty-four (24) hours and release any animal found therein.

§ 4. That any violation of this law, or of any part thereof, shall be subject to a fine of not less than ten or more than fifty dollars.

§ 5. This act shall not become effective until on and after November 1st, 1939.

Mr. Farnsley offered the following amendment to said bill, viz:

Amend S. B. 89 in House, on page 1, Section 5 lines 1 and 2 by striking out the words and figures "November 1, 1939" and inserting in lieu thereof the words and figures "January 1, 1940"

Said amendment was agreed to.

Mr. Hunnicutt moved that Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Tyra moved that said bill be laid on the table.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed as amended.

The following pair was announced: Messrs. Gnau and Joe E. Robinson.

Mr. Robinson, if present and voting, would vote in the negative,

Mr. Gnau, if voting, would vote in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	Garland Embry
William T. Baker	John C. Cornett	Raymond Eyl
B. F. Bedford	G. Cunningham	Chas. P. Farnsley
C. C. Byrne	Norman A. Curtis	C. A. Hale
George S. Clay	Willard Q. Daniel	Ralph Hamilton

John M. Hunnicutt	Tyler F. Munford	W. S. Shanklin
W. H. Hunt	Rodes K. Myers	Parker Sims
Ben W. Johnson	Alfred A. Naff	Wm. St. C. Stuart
William K. King	Luster C. Oxley	A. Frank Tabb
Clyde D. Lester	Mel Petry	W. R. Tapp
M. T. McCarthy	Kleber F. Price	Carl M. Taylor
Elmer McGlothen	Ed F. Prichard	Gabe B. Taylor
J. H. McKinney	Grover C. Ransom	S. J. Wagner
G. Samuel Milam	Thomas Rigdon	Joe L. Wall
Stanley C. Moebus	William T. Rollo	Henry Ward
John B. Mollette	E. A. Rose	H. L. Waterfield
William E. Mull	Carl Scheben	L. Roger Wells

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Those who voted in the negative—

Geo. P. Anderson	A. H. Eversole	Cass R. Walden
Rell Bevins	S. T. Hamilton	R. E. West
F. C. Boyd	C. L. Hammons	J. D. White
J. F. Carr	C. C. May	John M. Williams
H. S. Cleveland	Hobart Rayburn	Lee Roy Wilson
Herbert Cook	Hubert H. Read	James W. Young
Sam Dever	John C. Robinson	
Forest C. Easley	Erna E. Tyra	

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Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the Rules of this House be suspended for the purpose of electing a Doorkeeper, a vacancy having occurred with the death of Mr. Thomas Galloway, Doorkeeper of the House.

Said motion was agreed to.

Thereupon Mr. Hale named Mr. William A. Patterson as a suitable person to fill said position.

Mr. Prichard named Mr. Frank Ladd as a suitable person to fill said position.

Mr. Daugherty named Mr. Carl Beeler as a suitable person to fill said position.

Mr. Wagner named Mr. Charles T. Hilker as a suitable person to fill said position.

There being no further nominations, the vote was taken thereon as follows, viz:

For Mr. William A. Patterson for Doorkeeper:

Geo. P. Anderson	C. A. Hale	Rodes K. Myers	
J. F. Carr	Clyde D. Lester		
Norman A. Curtis	Tyler F. Munford		—7

For Mr. Frank Ladd for Doorkeeper:

William T. Baker	Ferd A. Gnau	Kleber F. Price	
B. F. Bedford	Ralph Hamilton	Ed F. Prichard	
C. C. Byrne	W. H. Hunt	Grover C. Ransom	
H. S. Cleveland	Carl Lyttle	Hubert H. Read	
T. Fowler Combs	Peter P. Mattingly	John C. Robinson	
Herbert Cook	C. C. May	Wm. St. C. Stuart	
G. Cunningham	M. T. McCarthy	W. R. Tapp	
Willard Q. Daniel	Elmer McGlothen	Cass R. Walden	
Sam Dever	J. H. McKinney	Joe L. Wall	
Forest C. Easley	Stanley C. Moebus	Henry Ward	
Garland Embry	John B. Mollette	R. E. West	
Raymond Eyl	Luster C. Oxley	John M. Williams	
Chas. P. Farnsley	Mel Petry		—38

For Mr. Carl Beeler for Doorkeeper:

C. P. Bradbury	Alfred A. Naff	A. Frank Tabb
F. E. Daugherty	H. O. Porter	Gabe B. Taylor
S. T. Hamilton	E. A. Rose	L. Roger Wells
William K. King	Parker Sims	James W. Young

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For Mr. Charles T. Hilker for Doorkeeper:

C. W. Anderson, Jr.	John M. Hunnicutt	William T. Rollo
F. C. Boyd	William E. Mull	Carl Scheben
C. L. Hammons	Hobart Rayburn	S. J. Wagner

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Mr. Ladd, having received a majority of all the votes cast, a majority of the members of the House being present and voting, was declared the duly elected Doorkeeper of the House.

Mr. Gnau moved that Committee of five members be named by the Speaker to escort Mr. Ladd to the Clerk's desk.

Said motion was agreed to.

Thereupon the Speaker named Messrs. Prichard, Gnau, Lyttle, Cunningham and Tyra as a committee to escort Mr. Ladd to the Clerk's desk, where he was administered the oath of office by the Assistant Clerk, The Honorable Marshall Barnes.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 166. An Act providing educational opportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from General Fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sum appropriated under the provisions of the act shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-two years of age; and who have for twelve months had their domicile in the State of Kentucky, of those World War veterans who were killed in action or died from other causes in the World War, from April 6, 1917 to July 2, 1921, while serving in the army, navy or marines corps of the United States as a result of such service; which orphans are attending or may attend a state educational institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

§ 2. The amounts that may be or may become due at any educational or training institution, not in excess of the amount specified in section three thereof, shall be payable to such institution or school from the funds hereby created on vouchers approved by the State Board of Education. Said Board shall determine the eligibility of the children who make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution or school and of the accuracy and reasonableness of the charge or charges submitted to said Board by the authorities of any such institution, on account of the attendance thereat of any such children; provided no member of said Board or its Secretary shall receive any compensation for such services.

§ 3. The sum of one thousand four hundred dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund for each of the fiscal years ending June 30, 1939, and June 30, 1940, for carrying out the provisions of this act; provided not more than one hundred fifty dollars shall be paid under said provisions for any one child for any one school year. And provided further that in the event all of said fund is not consumed in providing scholarships for war orphans attending state owned institutions of learning, then and in the event the State Board of Education, in the exercise

of a wise and sound discretion and on recommendation of the Commander of The American Legion, Department of Kentucky, may appropriate said balance, if any, to eligible war orphans who desire to enroll in vocational, technical or business schools; provided further that not more than six scholarships in such schools may be so awarded in any one year.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	L. M. Davisworth	Alton Mitchell
G. P. Anderson	Sam Dever	Stanley C. Moebus
Everett J. Bach	Forest C. Easley	John B. Mollette
William T. Baker	Garland Embry	Tyler F. Munford
B. F. Bedford	C. A. Hale	Rodes K. Myers
F. C. Boyd	Ralph Hamilton	Alfred A. Naff
C. P. Bradbury	S. T. Hamilton	Luster C. Oxley
C. C. Byrne	John M. Hunnicutt	Mel Petry
J. F. Carr	W. H. Hunt	Henry Plum
George S. Clay	Ben W. Johnson	H. O. Porter
H. S. Cleveland	William K. King	Kleber F. Price
T. Fowler Combs	Clyde D. Lester	Ed F. Prichard
Herbert Cook	Carl Lyttle	Grover C. Ransom
John C. Cornett	Peter P. Mattingly	Hobart Rayburn
G. Cunningham	C. C. May	Hubert H. Read
Norman A. Curtis	Elmer McGlothen	E. S. Robey
Willard Q. Daniel	H. H. McGuire	William T. Rollo
F. E. Daugherty	J. H. McKinney	E. A. Rose

Clarence Rush	W. R. Tapp	R. E. West
Carl Scheben	Carl M. Taylor	J. D. White
W. S. Shanklin	Gabe B. Taylor	John M. Williams
Parker Sims	Erna E. Tyra	W. G. Williams
Wm. St. C. Stuart	Cass R. Walden	Lee Roy Wilson
A. Frank Tabb	Henry Ward	—71

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 34. An Act to amend Section 2741d-2, Carroll's Statutes, 1936 edition, relating to libraries, boards of trustees, powers members, appointments and term, qualifications and expenditures not to exceed net income and adding to said section auditoriums and club rooms and other public accommodations which have been or may be constructed in connection with public libraries and providing for a board of trustees and giving said board of trustees the power to issue bonds and notes not exceeding ten thousand dollars ($10,000) and providing for the payment of such indebtedness, limiting the amount of said indebtedness which the board may incur for equipping said buildings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2741d-2, Carroll's Kentucky Statutes, 1936 edition, being part of the Acts of the General Assembly of 1920, Chapter 146, be and the same is hereby amended by adding thereto the following:

Except that in the event an auditorium or club room or other such public accommodations have been or shall be constructed in connection with the public library and are thereby an integral part of the library building, said Board of Trustees may in their discretion and if they deem it necessary, issue bonds or execute notes in the sum of not exceeding Ten Thousand Dollars ($10,000) for the purpose of paying off any indebtedness that the corporation may owe or any indebtedness that the corporation may incur for the purpose of properly equipping said building for the purposes for which it was constructed or properly completing the construction thereof, or of making necessary additions thereto in order to properly serve its purposes. The said bonds or notes may be secured by any or all real property or personal property owned by said corporation. In the event bonds are issued, they shall be designated as "library bonds", and the Board of Trustees shall by an appropriate resolution fix the date and maturity of such bonds, the rate of interest they shall bear and the form they shall bear and where they shall be payable. Said Board shall determine when and at what price and how they shall be sold; providing that any premium which may be obtained from the sale of said bonds shall constitute a sinking fund for their ultimate retirement. As the bonds are sold or when the money is received on the executed notes, the proceeds shall be placed to the credit of said corporation in some bank or banking institution or trust company, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued or the notes were executed. Said Board shall set up each year in its annual budget a sufficient amount for the payment of the interest on the bonds or notes.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Kleber F. Price
Geo. P. Anderson	S. T. Hamilton	Ed. F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
B. F. Bedford	John M. Hunnicutt	E. S. Robey
Rell Bevins	William K. King	William T. Rollo
C. P. Bradbury	Clyde D. Lester	E. A. Rose
George S. Clay	Carl Lyttle	Clarence Rush
H. S. Cleveland	C. C. May	Carl Scheben
T. Fowler Combs	M. T. McCarthy	W. S. Shanklin
Herbert Cook	Heman H. McGuire	Wm. St. C. Stuart
G. Cunningham	Alton Mitchell	A. Frank Tabb
Norman A. Curtis	Stanley C. Moebus	Carl M. Taylor
F. E. Daugherty	William E. Mull	Erna E. Tyra
L. M. Davisworth	Rodes K. Myers	S. J. Wagner
Sam Dever	Homer Neikirk	Henry Ward
Forest C. Easley	Luster C. Oxley	R. E. West
Garland Embry	Mel Petry	W. G. Williams
C. A. Hale	H. O. Porter	James W. Young

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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 4. An Act to amend section 1142a Kentucky Statutes relating to credit for imprisonment during inability to secure bail.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1142a, Kentucky Statutes, be amended and when so amended shall read as follows:

1142a Credit for imprisonment during inability to secure bail. That in all trials in Circuit Court, Quarterly, Justice, or Police Courts of the Commonwealth, in cases where the defendant has been compelled to remain in jail, by reason of his inability to execute bond, to answer the charge in the court in which he is held and where on trial had in such court, he has been found guilty and is punishment fixed for a term of confinement in the county jail, he shall be given credit on such terms for the time he had been confined in the county jail after his arrest and an entry shall be made by the Clerk or Judge of the Court on the Commitment and such defendant shall be discharged from the county jail when has served the full term for which he was convicted.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	F. C. Boyd	George S. Clay
William T. Baker	C. P. Bradbury	H. S. Cleveland
B. F. Bedford	C. C. Byrne	Herbert Cook
Rell Bevins	J. F. Carr	John C. Cornett

G. Cunningham	Stanley C. Moebus	Carl Scheben
F. E. Daugherty	Tyler F. Munford	W. S. Shanklin
L. M. Davisworth	Alfred A. Naff	Wm. St. C. Stuart
Sam Dever	Homer Neikirk	A. Frank Tabb
Forest C. Easley	Mel Petry	W. R. Tapp
Garland Embry	H. O. Porter	Carl M. Taylor
A. H. Eversole	Kleber F. Price	Gabe B. Taylor
Ferd A. Gnau	Ed F. Prichard	Erna E. Tyra
C. A. Hale	Grover C. Ransom	Joe L. Wall
C. L. Hammons	Hobart Rayburn	Henry Ward
John M. Hunnicutt	Hubert H. Read	R. E. West
William K. King	Thomas Rigdon	John M. Williams
Peter P. Mattingly	E. S. Robey	W. G. Williams
C. C. May	William T. Rollo	Lee Roy Wilson
M. T. McCarthy	E. A. Rose	James W. Young

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There voted in the negative—

Ralph Hamilton —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 95. An Act Amending and Re-enacting Section 2242 of Carroll's Kentucky Statutes, 1936 revision, relating to the compensation of Jury Commissioners.

Said bill is as follows. viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, Section 2242 of Kentucky Statutes, 1936 revision, be amended and when so amended shall read as follows:

Section 2242. Time commissioners may remain in session; compensation; reconvening; not to be appointed succeeding year.—The Commissioners shall remain in session not longer than five days, except that in counties having a population of over fifty thousand, they may remain in session ten days, and shall each receive for his service three ($3.00) dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the state treasurer upon the voucher of the auditor of the state: Provided, however, That counties containing a city of the first class the board of magistrates or the fiscal court of any such county may supplement the compensation of the commissioners as paid by the state by allowing and paying to each of said commissioners not exceeding three dollars ($3.00) per day for the time actually engaged, the whole compensation received by any commissioner not to exceed the sum of fifty dollars ($50.00) in any one year. If for any cause, either of the persons selected as a commissioner cannot serve, or having commenced can not complete his labors, the judge appointing him may appoint another person of like qualifications in his place. If, at any time, it becomes apparent to the judge of any court that the names in the drum wheel case for said court will be exhausted before the next annual selection of commissioners, the judge, by an order entred of record, shall reconvene the commissioners, who shall elect and place in said drum wheel or case, as hereinbefore provided, the number of names of qualified grand and petit jurors stated in the order of the judge reconvening them, and the judge may, if he deem it necessary, require by an order of the court the attendance of one of said commissioners at the time that the judge shall make up the lists of juries for his court, as hereinafter provided. Neither of them shall be appointed for the next year.

Ordered, that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	Thomas Rigdon
J. Everett Bach	C. L. Hammons	William T. Rollo
William T. Baker	Ira W. Hulette	E. A. Rose
B. F. Bedford	John M. Hunnicutt	Clarence Rush
Rell Bevins	William K. King	Carl Scheben
F. C. Boyd	Clyde D. Lester	W. S. Shanklin
C. P. Bradbury	Carl Lyttle	Parker Sims
C. C. Byrne	C. C. May	Wm. St. C. Stuart
J. F. Carr	M. T. McCarthy	A. Frank Tabb
George S. Clay	H. H. McGuire	W. R. Tapp
T. Fowler Combs	J. H. McKinney	Carl M. Taylor
Herbert Cook	Alton Mitchell	Erna E. Tyra
Norman A. Curtis	Stanley C. Moebus	Joe L. Wall
Willard Q. Daniel	Tyler F. Munford	Henry Ward
F. E. Daugherty	Rodes K. Myers	H. L. Waterfield
L. M. Davisworth	Alfred A. Naff	R. E. West
Sam Dever	Homer Neikirk	W. G. Williams
Garland Embry	Mel Petry	Lee Roy Wilson
Ferd A. Gnau	H. O. Porter	James W. Young
C. A. Hale	Grover C. Ransom	
Ralph Hamilton	Hobart Rayburn	—61

Resolved that the title thereof be as aforesaid—

Mr. Prichard moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 8. Joint Resolution authorizing Emma J. Young to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS the Fayette County Tax Commissioner made a clerical error in transferring a $1,400.00 valuation of a note of said Emma J. Young, writing the valuation as $14,000.00 thereby causing the tax bill upon the said property to be made out at the sum of $70.00 rather than the proper amount of $7.00.

WHEREAS the said Young was absent from the State and not knowing of said error and erroneous assessment by her agent, paid the 1933 tax bill, which was paid on or about February 1, 1934, to prevent said taxes from becoming delinquent on the 28th day of February, 1934.

WHEREAS said Young has no recourse for the correction of the error by the county authorities as she paid the tax voluntarily and without protest, and the time has expired in which said error can be corrected by officials and the Commonwealth retains Sixty-three ($63.00) Dollars not due it by said Emma J. Young.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Emma J. Young be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky, in any court of Fayette County, Kentucky, for the recovery of the excess tax in the amount of $63.00 erroneously assessed through the clerical error of the Fayette County officials. In the event of judgment for said Young, the amount of the judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of general funds. Either party to said suit may appeal from any judgment as in any

other civil case. The recovery herein shall be limited to and not exceed Sixty-three ($63.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forrest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 10. Resolution authorizing Eva Jane Pennington, by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the nineteenth day of September, 1936, an automobile in which Eva Jane Pennington was a passenger struck a sag or hole in the paved portion of State Highway No. 23 between Greenup and Fullterton, Kentucky, and was precipitated over an embankment, thereby inflicting permanent, and perhaps fatal, injuries on said Eva Jane Pennington; and,

WHEREAS, at the time of the accident said highway was under the supervision, maintenance, and control of the Commonwealth of Kentucky and the Department of Highways of Kentucky, and it is alleged that said Department of Highways of Kentucky had, or by the exercise of ordinary care could have had, notice of the dangerous condition of said highway; and,

WHEREAS, it is alleged that the negligence of said Commonwealth and its Department of Highways, and its employees, in failing to repair said sag or hole, and in failing to give warning of the dangerous condition of said highway to drivers of motor vehicles thereon, was the direct and proximate cause of the injuries to said Eva Jane Pennington; and,

WEREAS, her parents are in humble circumstances, and her father makes his living by daily labor; and whereas, on

account of the nature of her injuries, it is necessary for said child to receive hospital care for the remainder of her life, and, on account of their indigent circumstances, said child's relatives are unable to defray the expenses incident thereto,

NOW, in order that the rights of the parties may be determined by judicial action, and the question of negligence, if any, causing said injury to said Eva Jane Pennington may be determied by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Eva Jane Pennington, an infant, of Westwood Station, Boyd County, Kentucky, be, and she hereby is, authorized, empowered and permitted, by her guardian or next friend, or, in the event of her death, her personal representative be, and he hereby is, authorized, empowered and permitted to file a suit or suits against the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them, for the purpose of determining the liability of the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, for such injuries and damages, if any there be, arising from the above stated facts; and, in the event any judgment is recovered by said Eva Jane Pennington's guardian or next friend, or by her personal representative, or either of them, or said judgments or suits are compromised and settled, the judgments or amounts agreed on in compromise, if any, shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Said action or actions may be brought in any county having jurisdiction of the parties and subject matter.

§ 3. Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	Heman H. McGuire	W. S. Shanklin
T. Fowler Combs	Jas. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either.

Said resolution is as follows, viz:

WHEREAS, the State Highway Commission of Kentucky during the years of 1934 and 1935 constructed a retaining walls on a public highway on project No. 23 in Lawrence County, Kentucky, and

WHEREAS, the grade and drain of said road was constructed by contract and thereafter there came a slide in said road and the slide proceeded over the lands of Mary Jane Hayes and Tom Hayes and into Big Blaine Creek in Lawrence County, Kentucky, and the State Highway Commission in repairing said slide did not remove any of it nor did not build the retaining wall upon the right-of-way of said highway, and

WHEREAS, the said slip runs over and into the lands of Mary Jane Hayes and Tom Hayes on Big Blaine Creek, near the village of Yatesville, in Lawrence County, Kentucky, and that said road has been maintained prior to and since said slide by the State Highway Commission of Kentucky, through its agents, employees, and not having sufficient right of way they built said retaining walls upon the lands of the said Mary Jane Hayes and Tom Hayes and threw the debris, rocks and other substances into the slide and caused the same to slide down the hill and into Blaine Creek and to stop up the channel of the creek in such a way that it is cutting and destroying the land of the said Mary Jane Hayes and Tom Hayes thereby damaging the value of said land for cultivation and farming purposes, causing a large portion of the said farm to be unfit for cultivation, and

WHEREAS, the said Mary Jane Hayes and Tom Hayes allege and claim that their lands have been greatly injured and damaged by the negligence and the careless construction and maintenance of said road and that said damage and injuries to their lands were caused entirely by the negligence and carelessness of said State Highway Commission of Kentucky, its agents and employees, in not carrying away said slide and permitting the same to fill up the bed of the creek, and in constructing its retaining wall on the lands of Mary Jane Hayes and Tom Hayes.

NOW, THEREFORE, to determine by judicial action the liability of the State Highway Commission of Kentucky and the Commonwealth of Kentucky for the alleged damage and injury aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mary Jane Hayes and Tom Hayes, of near Yatesville, Lawrence County, Kentucky, be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either, in the Lawrence Circuit Court for such damage as they may have sustained, if any, by reason of any injury or damage to their lands, caused by the negligence or carelessness of the State Highway Commission of Kentucky, its agents or employees, and in the event a judgment is obtained by the said Mary Jane Hayes and Tom Hayes in said suit for damage to their lands, same shall be paid by the Auditor of Public Accounts by warrant on the Treasurer, and paid out of the general fund: Provided, however, that the said amount of recovery by the said Mary Jane Hayes and Tom Hayes in said suit shall not exceed two thousand eight hundred dollars ($2,800.00).

Either party to said suit may appeal from any judgment which may be rendered in the Lawrence Circuit Court to the Court of Appeals, and the case may be settled and adjusted

with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
G. P. Anderson	C. L. Hammons	E. F. Prichard
Everett J. Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 16. Resolution authorizing Weldon (Tex) Wallace to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on February 19, 1937, an automobile owned by Weldon (Tex) Wallace was run into by a State Highway Police patrol car on U. S. 25, two and one-half miles south of Georgetown, Kentucky by reason of the negligence of the occupants of the said patrol car, damaging the car of Wallace beyond repair.

NOW in order to determine by judicial action the question of negligence causing said damage aforesaid:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Weldon (Tex) Wallace be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Scott Circuit Court, for such damage as he may have suffered not to exceed six hundred ($600.00) dollars, caused by the negligence of the Department of Highways, its agents, servants and employees, and in the event any judgment is recovered by the said Wallace in said suit same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrant from the auditor and both the said Wallace and Commonwealth of Kentucky shall have the right to appeal said case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	E. F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

--57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 17. Resolution authorizing Henry T. McClure to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on February 19, 1937 Henry T. McClure while riding in a passenger automobile on U. S. 25, two and one-half miles south of Georgetown, Kentucky received injuries by reason of the negligence of two members of the State of Kentucky Highway Patrol who were driving a state patrol car which collided with the car in which Henry T. McClure was riding, causing injuries about the head, body and limbs of the said Henry T. McClure and resulting in a permanent injury to his leg.

NOW, in order to determine by judicial action the question of negligence causing said injuries aforesaid:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Henry T. McClure be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Scott Circuit Court, for such damage as he may have suffered, if any, by reason of injury to his head, body and limbs caused by the negligence of the Department of Highways, its agents, servants and employees, and in the event any judgment is recovered by the said McClure in said suit same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrant from the auditor, and both the said McClure and the Commonwealth of Kentucky shall have the right to appeal said case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as folows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
G. P. Anderson	C. L. Hammons	E. F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 19. A Resolution authorizing Lavina Pope to file

suit against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either, or both of them.

Said resolution is as follows, viz:

WHEREAS, during the years 1931-1932, and 1933, the State Highway Commission of Kentucky, built and constructed a public highway in Harlan County, State of Kentucky, from the city of Harlan in said County and State up and along Martin's Fork of the Cumberland River to the Kentucky-Virginia state line; and,

WHEREAS, the said Lavina Pope during all of the said years was, had been for some time prior thereto, has been at all times since, and now is the owner of the following described land and real estate, to-wit:

Beginning at an elm on the north line of the Louisville and Nashville Railroad Company's right of way up Martin's Fork and on the south saide of said Martin's Fork; thence eastwardly with the North line of said right of way to Bob's creek; thence northwardly down with Bob's Creek to Martin's Fork; thence down Martin's Fork river to the beginning.

WHEREAS, there was at all of said times and now is, situated on said land, two eight-room dwelling houses and two three-room dwelling houses; and,

WHEREAS, the said tract of land borders on the said Martin's Fork of the Cumberland River on one side; and,

WHEREAS, the said state highway was constructed up and along the said Martin's Fork on the bank of same opposite to the land of Lavina Pope above described; and,

WHEREAS, in constructing the same highway, the said State Highway Commission of Kentucky dynamited and removed large amounts of dirt, trees, rocks, ground and debris from the right of way of said road, and placed, dumped, and dynamited all, or a large part of, said dirt, rocks, trees, ground and debris on the bank of and into the bed and channel of said Martin's Fork river, thereby forming an obstruction

and in said Martin's Fork river and causing the waters of same adjacent to and above said land to dam and accumulate and overflow the said land and changing and diverting the said Martin's Fork river from its usual, customary and natural course and channel over and upon said land and real estate of Lavina Pope and causing same to flow over, upon, and through said land, and thus damaging, ruining, and destroying said tract of land and the dwellings situated thereon; and,

WHEREAS, the damages to said land and buildings amounts to the sum of at least $10,000; and,

WHEREAS, no compensation whatever has ever been received by, or, paid to, the said Lavina Pope, or to anyone for her use or benefit, by the said State Highway Commission, or the Commonwealth of Kentucky, or anyone whatsoever for the said damage to her land and real estate:

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lavina Pope, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate action or actions against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either of both of same, for the purpose of determining the responsibility of the said Commonwealth of Kentucky or the Said State Highway Commission of Kentucky, or both or either of them, for said damages to said land, of any there be.

Such action or actions may be brought within five years from the passage of this resolution and in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of such matters as provided by the code and laws of the State of Kentucky in such cases, and may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Lavina Pope for injuries and damages to said land shall be for any sum not exceeding $10,000, and in the event any judgment is recovered by the said Lavina Pope

for injuries and damages to said land, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Fund.

Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil action, and the case may be settled and adjusted by and with the consent and approval of the Attorney-General of the State of Kentucky in the same way and manner as any other civil action may be settled or adjusted.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length beind dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Forest C. Easley	J. H. McKinney
Geo. P. Anderson	Garland Embry	Alton Mitchell
J. Everett Bach	Ferd A. Gnau	Stanley C. Moebus
William T. Baker	C. A. Hale	John B. Mollette
Rell Bevins	Ralph Hamilton	Tyler F. Munford
F. C. Boyd	S. T. Hamilton	Rodes K. Myers
C. P. Bradbury	C. L. Hammons	Alfred A. Naff
C. C. Byrne	Ira W. Hulette	Luster C. Oxley
J. F. Carr	John M. Hunnicutt	Mel Petry
T. Fowler Combs	W. H. Hunt	Henry Plum
G. Cunningham	William K. King	H. O. Porter
Willard Q. Daniel	C. C. May	Ed F. Prichard
F. E. Daugherty	M. T. McCarthy	Grover C. Ransom
Sam Dever	Heman H. McGuire	Hobart Rayburn

Thomas Rigdon	Parker Sims	Henry Ward
William T. Rollo	Wm. St. C. Stuart	R. E. West
Clarence Rush	W. R. Tapp	W. G. Williams
Carl Scheben	Carl M. Taylor	Lee Roy Wilson
W. S. Shanklin	Erna E. Tyra	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 21. A Resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 24th day of November, 1934, the Jefferson County Fiscal Court and/or Jefferson County, Kentucky, was engaged in Jefferson County, Kentucky, in transporting certain County employees in a 1933 Chevrolet truck, license number T5216 (1934) on the Shelbyville Road, two miles east of Middletown, Kentucky, at English Station; and

WHEREAS, it is alleged that the truck, driven by one Ed Fey, a Jefferson County employee, was negligently operated on said road; and

WHEREAS, Ethel Carr, a passenger in an automobile driven by her brother, Virgil Goff, was injured severely and critically, when said truck owned by the Jefferson County Fiscal Court and/or Jefferson County collided with the automobile in which she was riding;

NOW in order to determine by judicial action the question of negligence causing said injuries aforesaid;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ethel Carr in her own right and name be and she is hereby authorized to file and prosecute and appeal an appropriate action against the Jefferson County Fiscal Court and/or Jefferson County for the purpose of determining the liability of the Jefferson County Fiscal Court and/or Jefferson County and such injuries, if any there be.

§ 2. Such action may be brought in any Circuit Court of the Commonwealth of Kentucky which may have jurisdiction of the subject matter or may be joined with any action or actions pending, wherein Circuit Courts have competent jurisdiction of the subject matter and parties.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	G. Cunningham	C. L. Hammons
Geo. P. Anderson	Willard Q. Daniel	Ira W. Hulette
J. Everett Bach	F. E. Daugherty	John M. Hunnicut
William T. Baker	Sam Dever	W. H. Hunt
Rell Bevins	Forest C. Easley	William K. King
F. C. Boyd	Garland Embry	C. C. May
C. P. Bradbury	Ferd A. Gnau	M. T. McCarthy
C. C. Byrne	C. A. Hale	Heman H. McGuire
J. F. Carr	Ralph Hamilton	Jas. H. McKinney
T. Fowler Combs	S. T. Hamilton	Alton Mitchell

Stanley C. Moebus	Ed F. Prichard	Wm. St. C. Stuart
John B. Mollette	Grover C. Ransom	W. R. Tapp
Tyler F. Munford	Hobart Rayburn	Carl M. Taylor
Rodes K. Myers	Thomas Rigdon	Erna E. Tyra
Alfred A. Naff	William T. Rollo	Henry Ward
Luster C. Oxley	Clarence Rush	R. E. West
Mel Petry	Carl Scheben	W. G. Williams
Henry Plum	W. S. Shanklin	Lee Roy Wilson
H. O. Porter	Parker Sims	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 26. Resolution authorizing W. H. Housman to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

WHEREAS, W. H. Housman is now and was during all the times herein mentioned the owner of a certain tract of real estate located in the city of Mayfield, Graves County, Kentucky, consisting of one city block 360 feet square; and

WHEREAS, the State Highway Commission (now Department of Highways) has been continuously using said tract of real estate since January 1, 1932, to and including the present time and is now using same, for the purpose of storage of road building material, road building equipment and other material and equipment used by said State Highway Commission (now Department of Highways); and

WHEREAS, during all of said time said State Highway Commission (now Department of Highways), nor any other person, has paid the said W. H. Housman for the use of said premises; and

WHEREAS, a question has arisen as to the authority of of the present Department of Highways to pay for the use of said premises, Now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Housman be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both of them, in any sum not in excess of Five Hundred ($500.00) Dollars per year, as the reasonable rental value of his real estate used and occupied by the State Highway Commission (now Department of Highways) from January 1, 1932 to and including the date said suit is filed, or the date said premises shall cease to be used by the State Highway Commission (now Department of Highways) whichever is the sooner.

§ 2. That the action hereby authorized and permitted may be brought in the Graves Circuit Court, the situs of the property, and shall be commenced within one year from the passage hereof.

§ 3. That any party to said action may appeal from any judgment which may be rendered by the Graves Circuit Court to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent and approval of the Attorney General in the same was as any other civil action.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 31. Resolution authorizing A. L. Schooler to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on February 22, 1937, A. L. Schooler, while riding on a State maintained Highway in Shelby County, Kentucky, received injuries by reason of the negligence of the driver of a truck being operated by employees of the State in the State's business, causing injuries to the head and body of the said A. L. Schooler and destroying his truck, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said A. L. Schooler be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Shelby Circuit Court for such damages as he may have suffered to his personal property by reason of such negligence of the employees of the State, if any, under the same measure of recovery as in other civil actions. In the event any judgment is recovered by the said Schooler in said suit, same shall be paid by the Treasurer of the Commonwealth on Warrant from the Auditor.

The Attorney General of the Commonwealth of Kentucky is authorized and empowered, in the event he thinks the Commonwealth properly liable therefor, to compromise and adjust the said suit, in which event the said amount shall be paid as above provided.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 34. A Resolution authorizing Sanford England to file suit against Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, on October 16, 1937, one, Sanford England, was seriously and permanently injured while walking across the public bridge across the Cumberland River at Molus, Harlan County, Kentucky, by a loose board or boards which gave way when he stepped on same; and,

WHEREAS, said bridge forms a part of the public highway of Harlan County, Commonwealth of Kentucky; and same is maintained and kept in repair by the said Harlan County. Commonwealth of Kentucky, and its employees:

NOW, in order to determine, by action of the judiciary, the question of negligence causing said injuries as aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Sanford England, in his own right and name, be and he is hereby permitted and authorized to file and prosecute appropriate action or actions against Harlan County, Kentucky, or the Commonwealth of Kentucky, or either or both of them, for the purpose of determining the liability of Harlan County, Kentucky, or the Commonwealth of Kentucky, or either or both of them, for such injuries, if any there be.

Such action or actions may be brought at any time within two years from the time this resolution is passed, and in any circuit court of the Commonwealth of Kentucky which under the laws of Kentucky may have jurisdiction of such matters, or may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Sanford England for personal injuries by him shall be for any amount not exceeding the sum of $5,000 and in the event any judgment is recovered by said Sanford England for personal injuries received by him or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Fund, or by the Treasurer of Har-

lan County by warrants drawn on the General Fund of said county and paid out of said funds.

Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted by and with the consent and approval of the Attorney-General of Kentucky or with the consent and approval of the County Attorney of Harlan County in the same way and manner as any other civil case may be settled or adjusted.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	Stanley C. Moebus
Geo. P. Anderson	Ferd A. Gnau	John B. Mollette
J. Everett Bach	C. A. Hale	Tyler F. Munford
William T. Baker	Ralph Hamilton	Rodes K. Myers
Rell Bevins	S. T. Hamilton	Alfred A. Naff
F. C. Boyd	C. L. Hammons	Luster C. Oxley
C. P. Bradbury	Ira W. Hulette	Mel Petry
C. C. Byrne	John M. Hunnicutt	Henry Plum
J. F. Carr	W. H. Hunt	H. O. Porter
T. Fowler Combs	William K. King	E. F. Prichard
G. Cunningham	C. C. May	Grover C. Ransom
Willard Q. Daniel	M. T. McCarthy	Hobart Rayburn
F. E. Daugherty	Heman H. McGuire	Thomas Rigdon
Sam Dever	J. H. McKinney	William T. Rollo
Forest C. Easley	Alton Mitchell	Clarence Rush

Carl Scheben	W. R. Tapp	R. E. West
W. S. Shanklin	Carl M. Taylor	W. G. Williams
Parker Sims	Erna E. Tyra	Lee Roy Wilson
Wm. St. C. Stuart	Henry Ward	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 35. A Resolution authorizing Dora Delph to file and prosecute suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS there is a public highway running out of the City of Harlan, Harlan County, Kentucky, and up Clover Fork of the Cumberland River in said County and State; and,

WHEREAS, the said public highway was built and constructed by the State Highway Commission of Kentucky, and, at all the times herein mentioned was and now is a public highway forming a part of the State Highway System of the State of Kentucky, and maintained and kept in repair by the said State Highway Commission of Kentucky; and,

WHEREAS, in constructing, maintaining, and repairing the said highway, the said State Highway Commission of Kentucky placed or put a culvert across the right-of-way of said highway and under the said road or public highway; and,

WHEREAS, the said Dora Delph was, at all of said times, and now is the owner of and in the possession of the following described tract of land, to-wit:

TRACT NO. 1. BEGINNING at the northeast corner of Lot deeded to Robert Howard by J. K. Howard and Wife, on the south side of the County Road at a stone marked with a cross; thence with said lot line Southwardly to the river Clover Fork; thence up said Clover Fork 77 feet to a stone also marked with a cross; thence northwardly with a line which is parallel with the east line of Robert Howard's lot and 77 feet from same to a stone in the south edge of Clover Fork Pike road now leading up Clover Fork; thence westwardly 77 feet with the south edge of said County Pike to the Beginning.

TRACT NO. 2. A certain boundary of land lying on the north side of Clover Fork of Cumberland River and bounded as follows: Beginning on G. E. Sanders' lot at a rock; thence eastwardly with said line 53 feet to an Alanthis marked with three hacks; thence northwardly a straight line to the edge of the Pike road; thence westwardly to the said road to the G. E. Sanders line 53 feet; thence with said line southwardly to the beginning, and,

WHEREAS, the said two tracts of land are adjacent to and borders on the said Public Highway, and is situated on the lower side of said Highway and between it and the said Clover Fork of Cumberland River; and,

WHEREAS, there are buildings and improvements upon said land, which have at all times mentioned herein have been and now is being used as a dwelling and the appurtenances thereto; and,

WHEREAS, in constructing, maintaining and repairing said Highway, the State Highway Commission of Kentucky has changed, altered, and diverted the natural course and flow of the water above said Highway and turned it through and caused it to flow through said culvert onto and over the said land described above and belonging to the said Dora Delph, thereby covering, overflowing, washing and greatly damaging said land and the buildings thereon; and,

WHEREAS, the damages to the said land, buildings and

improvements caused thereby, amounts to the sum of at least $1500.00; and,

WHEREAS, no compensation whatever has ever been received by, or paid to, the said Dora Delph, or anyone for her use or benefit, by the said State Highway Commission of Kentucky or the Commonwealth of Kentucky, or anyone whatsoever for the said damages to her land, buildings, and improvements:

NOW, in order to determine by judicial action the question of liability for said damages as aforesaid,

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Dora Delph, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate action or actions against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them, for the purpose of determining the responsibility of the said Commonwealth of Kentucky or the said State Highway Commission of Kentucky, or both or either of them, for said damages to said land, if any there be.

Such action or actions may be brought within five years from the passage of this resolution and in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of such matters as provided by the code and laws of the State of Kentucky in such cases, and may be joined with any action or actions pending wherein circuit courts have competent jurisdiction of the subject matter and parties.

Said suit for Dora Delph for injuries and damages to said land shall be for any sum not exceeding $1,500.00, and in the event any judgment is recovered by the said Dora Delph for injuries and damages to said land, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the General Funds.

Either party to said suit or suits may appeal from any

judgment which may be entered therein as in any other civil action, and the case may be settled and adjusted by and with the consent and approval of the Attorney-General of the State of Kentucky in the same way and manner as any other civil action may be settled or adjusted.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	E. F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 38. Resolution authorizing C. C. Law to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz:

WHEREAS, in the year 1937, C. C. Law, while operating his automobile on a State Highway in Simpson County, Kentucky, wrecked and damaged said car by driving into machinery or other obstructions improperly left on the right-of-way of the State Highway by employes of the State Highway Department in the State's business, and

WHEREAS, said wreck and consequent damage to the automobile of the said Law was not the fault of the said C. C. Law, but was the fault of the employes of the Highway Department of the Commonwealth of Kentucky.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said C. C. Law be, and he is hereby, authorized and permitted to sue the Commonwealth of Kentucky, and/or its agent, the Department of State Highways in the Simpson Circuit Court for damages not exceeding the sum of $400.00 for damages sustained by him to his personal property by reason of the negligence of the employes of the State of Kentucky, and/or its agent, the Department of State Highways, if any, under the same measure of recovery as in any other civil actions.

In the event any judgment is recovered by said C. C. Law in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrant from the auditor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the price of said tobacco sold in the Commonwealth of Kentucky and that said committee shall further be empowered to examine the books, records and other evidence concerning the sales or purchase of tobacco of any warehouse selling tobacco in the Commonwealth of Kentucky and to examine under oath any purchaser of tobacco in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the Senate, the House concurring therein:

That the President of the Senate and the Speaker of the House of Representatives appoint a committee consisting of five members of the General Assembly, two members of said Committee to be selected from the members of the Senate and three from the members of the House of Representatives of the 1938 General Assembly, the members selected from the Senate shall be appointed by the President of the Senate and those from the House by the Speaker of the House.

The Committee when so selected as herein provided, shall

investigate the prices and selling conditions of unmanufactured tobacco sold in the Commonwealth of Kentucky and the said Committee shall have power to investigate the general condition of the tobacco markets in Kentucky and shall have power to summon witnesses, administer oath and examine the records, books and other evidence of any tobacco warehouse or other person or persons engaged in the selling of unmanufactured tobacco in Kentucky and shall be further empowered to examine under oath any buyer of unmanufactured tobacco in Kentucky and to examine any records, books or other evidence in the possession of said buyer and it shall be the duty of said Committee to examine into and report their findings in regard to the unsettled condition of prices of unmanufactured tobacco in the Commonwealth of Kentucky and to determine, if they can do so, the causes thereof, and they shall make their report to the Governor of the Commonwealth of Kentucky and to the General Assembly if in session, either regular or special, when said report is ready.

Said Committee shall serve without pay, but shall be paid their actual and necessary expenses while making the investigations herein provided for, and said expenses shall be paid out of the general fund.

Whereas, the tobacco markets in the Commonwealth of Kentucky are now in a state of chaos, and tobacco being a major crop in the Commonwealth of Kentucky, and,

Whereas, the farmers of the state of Kentucky have been unable to dispose of their 1937 crop of Tobacco in an orderly manner and the prices have fluctuated from day to day on the various tobacco markets and the same grades of tobacco selling one day at considerably lower price per pound than they sold at the same market a few days previous, all of which would indicate that an unfair advantage is being taken of the tobacco growers in the Commonwealth of Kentucky, and,

Whereas, this fluctuation in price, as above indicated, has caused, and will cause, the farmers of Kentucky to lose a con-

siderable amount of money for their crop of tobacco raised in the year 1937, an emergency is hereby declared to exist, and this resolution shall become effective when properly passed and signed by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
J. Everett Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 48. Resolution authorizing Robert Jameson, of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and admistratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, pursuant to the terms of a lease between Robert and Thomas Jameson, parties of the first part, and the Armory Commission of the Commonwealth of Kentucky, party of the second part, covering a frame building located on Lumber Street, Beattyville, Kentucky, said lease was terminated December 29, 1931 by giving sixty days notice; and,

WHEREAS, it is alleged that said Armory Commission continued to occupy said premises until April 1, 1932, and it is alleged that rentals were never paid for the last three months of such occupancy and that said rentals, in the sum of three hundred dollars ($300.00), are still due and unpaid.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Jameson, of Beattyville, Kentucky, for himself, and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of

Thomas Jameson, deceased, be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either, for such rentals on said building as are due and unpaid; and in event any judgment is recovered by Robert Jameson for himself or the administrators of the estate of Thomas Jameson, or said claim is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants for same drawn on the State Treasurer.

§ 2. Said action may be brought in any Circuit Court of the Commonwealth of Kentucky which has jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

§ 4. The limit of recovery in any action instituted under this resolution shall be three hundred dollars ($300.00).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	H. O. Porter
Geo. P. Anderson	C. L. Hammons	Ed F. Prichard
Everett J. Bach	Ira W. Hulette	Grover C. Ransom
William T. Baker	John M. Hunnicutt	Hobart Rayburn
Rell Bevins	W. H. Hunt	Thomas Rigdon
F. C. Boyd	William K. King	William T. Rollo
C. P. Bradbury	C. C. May	Clarence Rush
C. C. Byrne	M. T. McCarthy	Carl Scheben
J. F. Carr	H. H. McGuire	W. S. Shanklin
T. Fowler Combs	J. H. McKinney	Parker Sims
G. Cunningham	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	W. R. Tapp
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	Tyler F. Munford	Erna E. Tyra
Forest C. Easley	Rodes K. Myers	Henry Ward
Garland Embry	Alfred A. Naff	R. E. West
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Mel Petry	Lee Roy Wilson
Ralph Hamilton	Henry Plum	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 49. A Resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B., Westerfield and the Commonwealth of Kentucky; and authorizing pay-

ment of the claim of J. B. Westerfield out of the State Road Fund.

Said resolution is as follows, viz:

WHEREAS, on or about the 18th day of September, 1935 the State Highway Commission of Kentucky entered into a written contract with J. B. Westerfield, whereby the said J. B. Weserfield in consideration of the payments therein provided agreed to furnish all labor, materials and supplies and perform all work for the grade and drain of a certain road project in Warren County, Kentucky, designated as Warren County S. P. No. 423-AG, the Rockfield-Richpond Road, a distance of approximately 3.688 miles, at the estimated contract price of $11,953.47; and,

WHEREAS, said contract and the required bond were duly and regularly made and entered into; and,

WHEREAS, before the completion of the work provided by said contract to be performed, the Commonwealth of Kentucky, acting by and through the State Highway Commission, of Kentucky, entered into a supplemental agreement in writing whereby the said J. B. Westerfield agreed to furnish all the labor, materials and supplies and do all of the work required for the grading and draining of an extension of said road project a distance of approximately 0.967 miles, at the same unit prices as provided in the original contract, which additional work was estimated to cost $2382.10; and,

WHEREAS, said State Highway Commission of Kentucky, by order entered on its Minutes of November 12, 1935, authorized the Chairman of said Commission to sign and enter into said supplemental agreement; and,

WHEREAS, the said J. B. Westerfield fully and completely performed all of the terms, covenants and conditions of said supplemental agreement on his part to be performed in full and strict conformity with the terms of said contract and the plans and specifications relating thereto; and,

WHEREAS, said J. B. Westerfield furnished all of the

necessary labor, materials and supplies and performed all of the work provided to be performed by him in the original and supplemental contracts to the full and complete satisfaction of the Highway Commission and the engineers of said Commission; and,

WHEREAS, said highway and the work done by the said J. B. Westerfield under the terms of the original and supplemental contracts was officially accepted by the State Highway Commission for maintenance on or about February 11, 1936; and,

WHEREAS, the Commonwealth of Kentucky has accepted and used and is now using and maintaining said highway and has received the full benefit of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield; and,

WHEREAS, according to the terms and provisions of said supplemental contract the Commonwealth of Kentucky agreed to pay said J. B. Westerfield for the labor, materials, supplies and work furnished and done by him the sum of $2433.12, which according to the terms of said supplemental contract was due and payable February 1, 1936; and,

WHEREAS, said claim has not been paid because of some question having been raised as to whether or not said supplemental contract was valid because of not having been awarded and entered into pursuant to advertisement for bids on the work expressly provided for and covered in the suppemental contract; and,

WHEREAS, the Commonwealth of Kentucky has received full value therefor and the claim of said J. B. Westerfield is just;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky; that

§ 1. The consent of the General Assembly of the Commonwealth of Kentucky hereby is given to said J. B. Westerfield to sue the Department of Highways and the Common-

wealth of Kentucky, or either of them, in the Franklin Circuit Court, to recover the amount due him under the terms of said supplemental contract; namely, $2433.12, with interest thereon at the rate of 6% per annum from February 1, 1936 until paid.

The Department of Highways, with the approval of the Attorney General, hereby is authorized to compromise or pay said claim either before or after the filing of suit, the payment, if any, to be made out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 2. Said supplemental contract between the Commonwealth of Kentucky, acting by and through its agent the State Highway Commission of Kenucky, and the said J. B. Westerfield, dated November 19, 1935, hereby is validated, ratified, confirmed and approved; and all of the acts of the State Highway Commission and the Chairman of the State Highway Commission in executing said contract and in the acceptance of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield pursuant to the terms of said supplemental agreement, hereby are validated, ratified, confirmed and approved.

§ 3. If judgment be obtained by the said J. B. Westerfield, or if his claim be approved for payment by the Department of Highways and the Attorney General of Kentucky, said judgment or said claim shall be paid out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 4. If suit be filed and judgment entered in the Franklin Circuit Court, either party may appeal to the Court of Appeals as in any other civil case.

§ 5. Whereas said J. B. Westerfield is engaged principally in the construction of highways in Kentucky under contracts with the Department of Highways; and, whereas he is a man of very limited means and is badly in need of the money

earned by him under the supplemental contract aforesaid; and, whereas the Commonwealth of Kentucky has had the benefits of the labor, materials and supplies furnished and work done by the said J. B. Westerfield under the terms of said supplemental contract for approximately one year; and, whereas justice and fairness require that said claim be promptly paid to the said J. B. Westerfield; an emergency hereby is declared to exist and this resolution shall be effective immediately upon its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Sam Dever	M. T. McCarthy
Geo. P. Anderson	Forest C. Easley	Heman H. McGuire
J. Everett Bach	Garland Embry	J. H. McKinney
William T. Baker	Ferd A. Gnau	Alton Mitchell
Rell Bevins	C. A. Hale	Stanley C. Moebus
F. C. Boyd	Ralph Hamilton	John B. Mollette
C. P. Bradbury	S. T. Hamilton	Tyler F. Munford
C. C. Byrne	C. L. Hammons	Rodes K. Myers
J. F. Carr	Ira W. Hulette	Alfred A. Naff
T. Fowler Combs	John M. Hunnicutt	Luster C. Oxley
G. Cunningham	W. H. Hunt	Mel Petry
Willard Q. Daniel	William K. King	Henry Plum
F. E. Daugherty	C. C. May	H. O. Porter

Ed F. Prichard	Carl Scheben	Erna E. Tyra
Grover C. Ransom	W. S. Shanklin	Henry Ward
Hobart Rayburn	Parker Sims	R. E. West
Thomas Rigdon	Wm. St. C. Stuart	W. G. Williams
William T. Rollo	W. R. Tapp	Lee Roy Wilson
Clarence Rush	Carl M. Taylor	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS by means of the operations of the State Highway Commission and its employees in a quarry known as the Willie Luttrell Quarry, located near Brownsville, Kentucky, opposite the dwelling of George Luttrell and Nora Luttrell, his wife, said dwelling has allegedly been damaged and other property of George Luttrell and Nora Luttrell has allegedly been damaged,

NOW, in order that they may determine their rights by judicial action and the responsibility of the Commonwealth of Kentucky and the State Highway Commission, or either for such damages may be determined by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Luttrell and Nora Luttrell, his wife,

of Brownsville, Kentucky, be and hereby are empowered and authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for damages, if any, arising from the above stated facts; and in the event any judgment is received by said George Luttrell and Nora Luttrell, or either of them, or the case is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund of the Commonwealth, by warrant properly drawn on the State Treasurer.

§ 2. Said action may be brought in any county having jurisdiction of the parties and subject matter.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

§ 4. The limit of recovery by George Luttrell and Nora Luttrell, under authority of this resolution, shall be two hundred Seventy-five dollars ($275.00).

Ordered, that said bill be read the third time.

The Constitutional provision as to the third read of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr. Geo. P. Anderson J. Everett Bach

William T. Baker	Ira W. Hulette	E. F. Prichard
Rell Bevins	John M. Hunnicutt	Grover C. Ransom
F. C. Boyd	W. H. Hunt	Hobart Rayburn
C. P. Bradbury	William K. King	Thomas Rigdon
C. C. Byrne	C. C. May	William T. Rollo
J. F. Carr	M. T. McCarthy	Clarence Rush
T. Fowler Combs	H. H. McGuire	Carl Scheben
G. Cunningham	J. H. McKinney	W. S. Shanklin
Willard Q. Daniel	Alton Mitchell	Parker Sims
F. E. Daugherty	Stanley C. Moebus	Wm. St. C. Stuart
Sam Dever	John B. Mollette	W. R. Tapp
Forest C. Easley	Tyler F. Munford	Carl M. Taylor
Garland Embry	Rodes K. Myers	Erna E. Tyra
Ferd A. Gnau	Alfred A. Naff	Henry Ward
C. A. Hale	Luster C. Oxley	R. E. West
Ralph Hamilton	Mel Petry	W. G. Williams
S. T. Hamilton	Henry Plum	Lee Roy Wilson
C. L. Hammons	H. O. Porter	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 59. Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of Seven Hundred Dollars ($700.00) is

hereby appropriated out of the Legislative Session Fund, One Hundred Dollars ($100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, performing the duties of Chaplain for the General Assembly:

E. W. Baxter, Fred Moffatt, W. V. Cropper, R. B. Kelly, Father Joseph O'Dwyer, J. T. Galloway, H. W. Alexander.

That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance and the Commissioner of Finance shall direct the Auditor of Public Accounts to draw his warrant for the amounts above designated and the Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as Chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. P. Bradbury	F. E. Daugherty
Geo. P. Anderson	C. C. Byrne	Sam Dever
J. Everett Bach	J. F. Carr	Forest C. Easley
William T. Baker	T. Fowler Combs	Garland Embry
Rell Bevins	G. Cunningham	Ferd A. Gnau
F. C. Boyd	Willard Q. Daniel	C. A. Hale

Ralph Hamilton	John B. Mollette	Clarence Rush
S. T. Hamilton	Tyler F. Munford	Carl Scheben
C. L. Hammons	Rodes K. Myers	W. S. Shanklin
Ira W. Hulette	Alfred A. Naff	Parker Sims
John M. Hunnicutt	Luster C. Oxley	Wm. St. C. Stuart
W. H. Hunt	Mel Petry	W. R. Tapp
William K. King	Henry Plum	Carl M. Taylor
C. C. May	H. O. Porter	Erna E. Tyra
M. T. McCarthy	E. F. Prichard	Henry Ward
H. H. McGuire	Grover C. Ransom	R. E. West
J. H. McKinney	Hobart Rayburn	W. G. Williams
Alton Mitchell	Thomas Rigdon	Lee Roy Wilson
Stanley C. Moebus	William T. Rollo	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 33. A Resolution, authorizing Hiram Brock to file suit against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, in the year 1932 and 1933 the State Highway Commission, its agents and servants constructed a state highway, part of the primary road system of Harlan County leading up Catron's Creek to Yancey and Liggett; and

WHEREAS, the salable value thereof has been decreased:

Therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Hiram Brock be and he is hereby authorized and permitted to bring suit in the Harlan Circuit Court for such damage as he may have suffered, not to exceed the sum of $5000.00, if any by reason of the negligent construction of said highway and the wrongful filling up of the part of the said creek and obstructing the natural flow of the water therein, by the said then State Highway Commission, its agents and employees, and in the event any judgment is recovered by the said Hiram Brock in said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky out of the General Fund on warrant from the Auditor.

The said Hiram Brock and the said Commission and the Commonwealth of Kentucky shall have the right to appeal, and said case shall be tried in the manner and form provided by the Statutes and Codes of the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson; Jr.	J. F. Carr	Ferd A. Gnau
Geo. P. Anderson	T. Fowler Combs	C. A. Hale
J. Everett Bach	G. Cunningham	Ralph Hamilton
William T. Baker	Willard Q. Daniel	S. T. Hamilton
Rell Bevins	F. E. Daugherty	C. L. Hammons
F. C. Boyd	Sam Dever	Ira W. Hulette
C. P. Bradbury	Forest C. Easley	John M. Hunnicutt
C. C. Byrne	Garland Embry	W. H. Hunt

William K. King	Luster C. Oxley	W. S. Shanklin
C. C. May	Mel Petry	Parker Sims
M. T. McCarthy	Henry Plum	Wm. St. C. Stuart
H. H. McGuire	H. O. Porter	W. R. Tapp
Jas. H. McKinney	E. F. Prichard	Carl M. Taylor
Alton Mitchell	Grover C. Ransom	Erna E. Tyra
Stanley C. Moebus	Hobart Rayburn	Henry Ward
John B. Mollette	Thomas Rigdon	R. E. West
Tyler F. Munford	William T. Rollo	W. G. Williams
Rodes K. Myers	Clarence Rush	Lee Roy Wilson
Alfred A. Naff	Carl Scheben	James W. Young

—57

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a-23 to and including 165a-61 of Baldwin's 1936 revision of Carroll's Kentucky Statutes, and being a part of Chapter seventeen of the Acts of the General Assembly of 1932, relating to banking and securities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(a) "Security" shall include any note, stock, treasury stock, bond, debenture, transferable share, voting trust certificate, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agree-

ment, certificate of interest in an oil, gas or mining lease, royalty or title, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(b) "Person" shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political sub-division thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(c) The terms "sale," "sell," "offer to sell," or "offer for sale," shall include every sale, resale or disposition of, attempt or offer or solicitation to dispose of, or solicitation of an offer to buy, or public offering, promotion, repromotion, or promotional distribution, of a security or interest in a security, for value; and shall include an exchange, an option of sale, a subscription or an offer to sell or to invite offers for or inquiries about securties by personal solicitation, directly or by telephone, or by an agent, or by letter, circular, radio, advertisement or otherwise; except that such terms shall not include preliminary negotiations or agreements between an issuer and any underwriter. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

(d) "Dealer" shall include every person other than a salesman who in this state engages either for all or part of his time directly or through an agent in the business of selling any security whether exempt or not exempt issued by another

person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or pretended purchases or sales of such securities, provided that the word "dealer" shall not include a person having no place of business in this state who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. An issuer of securities, selling such securities in this state, shall be deemed to be a dealer. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky, the total value of which notes do not exceed 70 per cent of the fair and reasonable value of the property on which they are a lien and do not exceed twenty-five thousand dollars, shall not be dealers within the meaning of this section or act.

(e) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(f) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issuer to sell, buy, offer for sale, offer to buy or otherwise deal or trade in securities in any manner in this state. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(g) "Agent" shall mean salesman as hereinabove defined.

(h) "Director" shall mean the Director of the Division of Securities.

(i) "Broker" shall mean dealer as herein defined.

(j) "Fraud" and "fraudulent" shall include any misrepresentation in any manner of a relevant fact, such misrepresentation being intentional or due to gross negligence; any promise or representation or prediction as to the future not made honestly or in good faith, or the intentional failure to disclose a material fact: Provided, however, that nothing contained herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity.

§ 2. *Exempt Securities.* Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or any insular possession thereof or by the District of Columbia or by any state or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by a federal land bank or joint stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating

a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charges or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or any state, territory or insular possession thereof, or any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof; also equipment notes or bonds based upon chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or any state, or the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities issued, outstanding and fully listed on the New York Stock Exchange, New York Curb Exchange, and the Chicago Stock Exchange which securities have been so listed upon application of the issuer and pursuant to official authorization by such exchanges, and also all securities of equal or senior rank to any securities so listed, or evidences

of indebtedness guaranteed by companies any stock of which is so listed; such securities to be exempt only so long as such listing shall remain in effect: provided the Director may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned.

(g) Any security a direct obligation of or payment thereof guaranteed by a state bank, trust company, title company, real estate mortgage company engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institutions incorporated undr the laws of this or any state subject to the examination, supervision and control of this or any state or territory of the United States or any insular possession thereof.

(h) Negotiable promisory notes or commercial paper issued, given or acquired in a bona fide way in the ordinary of legitimate business, trade or commerce, where such notes or commercial paper are not made the subject of a public offering.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this state for the purpose of doing business in this state, to enable it to transact business under Section 43 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or other remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, good will, trade-marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the Director a written verified statement setting forth the existence of the

above facts, and that the corporation is formed for the purpose of doing business in this state.

§ 3. *Exempt Transactions.* Except as hereinafter expressly provided the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's guardian's, or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this act, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or his representative for the owner's account, such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner or on his accounts by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus, or the issue of securities to the security holders or other creditors of a corporation in the process of bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, eithr in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns,

where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery of securities to any broker or dealer; provided, that such broker or dealer is actually engaged in buying and selling securities as a business; and provided further that such broker or dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) Transactions by registered dealers, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders, where there is no intent to avoid the provisions of this act or not involving a public offering: Provided, That such dealer shall keep and maintain for a period of two years from the date of the order a record of all such transactions executed upon customers' orders, giving the name and address of each such customer, the name and indentity of the security or securities involved, the date of such transactions, the price paid for or received for such security or securities, and the commission or other expenses charged to such customer.

§ 4. *Securities Required to be Registered—Resale—Rights and Conversions.* No securities, except of a class exempt under any of the provisions of section 2 of this act, or unless sold in any transaction exempt under any of the provisions of section 3 of this act, shall be sold within this state unless and until such securities have been registered by notification or by qualification as hereinafter provided, unless they fall within the classification of securities to be registered for resale or for trading purposes, as provided in section 9 of this act. However, registration of any security shall be deemed to include the registration of any right or conversion privilege embodied in or made a part of such security but the registration of such right or privilege shall not be deemed to be a registration of the security to be issued or exchanged for such right or privilege, and such security to be exchanged for such right or privelege shall be registered before such exchanged, and if such right or privilege is immediately exercisable upon its registration such security to be exchanged for such right or privilege shall be registered at the same time the security bearing such right or privilege is registered: Provided, further, that the exemption of sales of securities in the transactions enumerated in said section 3 of this act shall have application only to the sales of such securities as are directly involved in such transactions, and such securities shall not thereafter be sold unless and until duly registered or subsequently sold under the exemption provisions of said section 2 or 3.

A record of the registration of securities shall be entered in a register of securities to be kept in the office of the Division of Securities, in which register of securities shall also be recorded any orders, entered by the Director with respect to such securities, and such register and application with respect to the securities registered therein shall be open to public inspection.

§ 5. *Registration by Notification.* The following classes

of securities shall be entitled to registration by notification in the manner provided in this section:

(a) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation for not less than three years, and which has shown during a period of not less than two years or more than ten years next prior to the close of its fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(1) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest bearing obligations of equal rank.

(2) In the case of preferred stock, not less than one and one-half times the annual dividend requirements of such preferred stock and on all other outstanding stock of equal or senior rank.

(3) In the case of common stock, not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

(b) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(c) Any bond or note secured by first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or

leases), or upon city, town or village real estate or leaseholds situated in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada as follows:

(1) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(2) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds, does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(3) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by first mortgage does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or buildings to be

erected thereon as aforesaid, and when said mortgaged property will have a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds or notes are construction bonds or notes and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (c) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligation above in clauses (2) and (3) provided, unless all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall be in bold type not less than 18 points upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leaseholds, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (c) the term "Mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 6. *Registration by Notification—Procedure—Information Required—Fees.* Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the Director of a statement with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the state.

(d) A brief statement of the facts which show that the security falls within one of the classes defined in section 5.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (a) or (b), if the prospectus to be used for public offering is not filed with the statement, then a copy of such prospectus shall be filed in the office of the Director within five days thereafter or within such further time as the Director may allow.

In the case of securities falling within the class defined by subsection (c), the prospectus to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the Director and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this state by any registered dealer giving notice in the manner hereinafter provided in section twelve, subject, however, to the further order of the Director as hereinafter provided.

If, at any time in the opinion of the Director the information contained in the statement or prospectus filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition the Director may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the Director to ascertain whether the sale of such security would be fraudulent or deceitful, or would result in fraud, or imposition and the Director may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the person filing such statement and every registered dealer who shall have notified the Direc-

tor of an intention to sell such security. The refusal to furnish information required by the Director within a reasonable time to be fixed by the Director may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until further order of the Director.

In the event of the entry of such order of suspension the Director shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the Director shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration my qualification by complying with the requirements of section seven. Appeals from such final order may be taken as hereinafter provided. If however, upon such hearing, the Director shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the application as hereinbefore prescribed in this section, the applicant shall pay to the Division of Securities a fee of one-twentieth of one per centum (1/20th of 1%) of the aggregate price at which such securities are to be sold in this state, but in no case shall such fee be less than twenty-five dollars or more than one thousand dollars for each class of securities for which registration is sought.

§ 7. *Registration by Qualification—Procedure—Information Required—Fees.* All securities required by this act

to be registered before being sold in this state, and not entitled to registration by notification, shall be registered by qualification in the manner provided by this section, unless they fall within the classification of securities to be registered for resale or for trading purposes, as provided in section 9 of this act.

The Director shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the Division of Securities and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell same within this state.

The Director shall require the applicant to submit to him the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The name under which the issuer is doing or intends to do business.

(b) The name of the state or other sovereign power under which the issuer is organized.

(c) The location of the issuer's principal business office and of its principal office in this state, if any.

(d) The names and addresses of the directors, trustees, and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined) of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(e) The purpose of incorporation (if incorporated) and the general character of business actually to be transacted by the issuer, and the purpose of the proposed issue.

(f) A statement of capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than ninety (90) days prior to the date of filing such balance sheet; a detailed statement of

the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which the application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such issuer and or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this state.

(g) A statement of the amount of the issuer's income, expenses and charges during the last three years, or if in actual business less than three years then for such time as the issuer has been in actual business.

(h) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(i) A detailed statement showing the items of cash, property, services, patents, good-will and any other consideration for which such securities have been or are to be issued in payment, and the Director may fix the amount of stocks, bonds or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, good-will, promotion and intangible assets at a value he should find same to be worth.

(j) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(k) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already filed in the office of secretary of this state. If the issuer be a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization what-

soever there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization if not already filed in the office of the secretary of state of this state.

(l) The names and addresses of the underwriters, if any.

(m) A copy of any agreement or agreements (or, if identic agreements are used, the forms thereof) made with any underwriter or dealer.

The Director may in his discretion limit the amount of securities that may be registered at any one time of any one issue.

All of the statements, exhibits and documents of every kind required by the Director under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the Director.

At the time of filing the application as hereinbefore prescribed in this section, the applicant shall pay to the Division of Securities a fee of one-twentieth of one per centum (1/20th of 1%) of the aggregate price at which such securities are to be sold in this state, but in no case shall such fee be less than twenty-five dollars or more than one thousand dollars for each class of securities for which registration is sought.

If upon examination of any application the Director shall find that the sale of security referred to therein would not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that the enterprise or business of the issuer is not based upon unsound business principles, then upon the payment of the fee provided in this section, he shall record the registration of such security in the register of securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the Director of his intention so to do, in the manner hereinafter provided in section twelve, subject, however, to the further order of the Director as hereinafter provided.

§ 8. *Escrow Agreements—Impounding of Funds.* If the statement containing information as to securities, as provided for in section seven of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright, trade-mark, process, lease, formulae or good-will, or for promotion fees or expenses or for other intangible assets, the amount and nature thereof shall be fully set forth and the Director shall require that such securities so issued in payment of such patent right, copyright, trade-mark, process, lease, formulae or good-will, or for promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the Director under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said Director to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

Whenever it shall appear in the filing of an application for registration under section 7 of this act that the funds to be obtained from the sale of any security sought to be registered are to be used for promotional purposes, the Director shall cause to be impounded in a bank or trust company selected by the issuer, and approved by the Director, such an amount from the proceeds of the sale of the securities as will insure completion of the promotional project; but in no event shall the amount so impounded be less than fifty (50%) per cent of the total amount of money to be raised from the sale of the securities registered.

§ 9. *Registration of Outstanding Securities for Resale*

or for Trading Purposes. Any security the entire issue of which has been issued and is outstanding in the hands of the public, or any stock of the same rank and parity lawfully issued by way of stock split-up or a stock dividend thereon, and which may not be lawfully sold or offered for sale by reasons of an exemption under section 2 of this act, or in an exempted transaction under section 3 of this act, may be registered for resale or for dealing in or trading purposes by filing by a registered dealer or registered dealers in the office of the Director:

1. (a) The name and description of the security sought to be registered.

(b) Notice of intention to offer for resale or to deal or trade generally in any such security.

2. If requested by the Director there shall also be filed:

(a) A statement, with such supporting data or verifications as may be available, evidencing the fact that such security and the entire issue of which such security is a part was issued and was outstanding in the hands of the public prior to the effective date of this act, or that such security consists of stock of the same rank or parity lawfully issued by way of stock split-up or a stock dividend thereon;

(b) The price at which such security is to be offered for resale, if presently known, and if not known then the method or formula for arriving at the offering price from time to time and such additional information as the dealer has tending to establish the fairness of such price;

(c) A copy of the latest available balance sheet or other available financial data tending to establish the condition of the issuer thereof.

If it shall appear to the Director from the information so filed with him or otherwise available to him that such security, or the price at which it is to be sold, or the methods of the sale are such as would work or tend to work a fraud on the purchasers thereof, the Director shall, after notice and opportunity to be heard or after a hearing thereon, refuse registra-

tion thereof; otherwise he shall register such security for resale or for dealing and trading generally therein by registered dealers, subject to the provisions of Sections 10 and 18.

A registration fee of $25.00 shall be paid at the time of registration under this section.

The Director may duly fix at not exceeding twenty per centum the maximum amount of commission or other form of remuneration which the Dealer submitting application for registration under this section may receive.

§ 10. *Consent to Service.* Upon any application for registration by notification under section five made by an issuer, and upon any application for registration by qualification under section 7, whether made by an issuer or registered dealer, where the issuer is not domiciled in this state, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this state in which the plaintiff may reside, or in which the contract was made, by the service of any process or pleading authorized by the laws of this state, on the Director of the Division of Securities, said consent stipulating and agreeing that such service of such process or pleadings on such Director shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authoriz-

ing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the Director, it shall be by duplicate copies, one of which shall be filed in the office of the Director and the other immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be conclusively considered the permanent address of the issuer until the Director has been notified of a new one, against which said process or pleadings are directed.

§ 11. *Revocation, Suspension, of Issuer's Registration —Annual Reports of Issuers—Examination of Issuer's Affairs—Termination of Registration.* The Director may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security, either in the performance of routine duties, or upon field examination, or upon hearing, it shall appear that the issuer of the security:

(a) is insolvent; or

(b) is of bad business repute; or

(c) does not conduct its business in accordance with law; or

(d) that its affairs are in an unsound condition; or

(e) that the enterprise or business of such issuer or the security is not based upon sound business principles; or

(f) that the issuer of the security has violated any of the provisions of this act, or any order of the Director of which such person had notice, relating to the registration or sale of such security; or

(g) has been or is engaged or is about to engage in fraudulent conduct with regard to issues being issued or about to be issued by it, or with regard to issues registered by it; or

(h) is in any other way acting dishonestly or has made any fraudulent representations in any prospectus or in any

circular or other literature distributed concerning the issuer or its securities, or the security registered; or

(i) has knowingly made or caused to be made to the Director any flase representation of a material fact, or has suppressed or withheld from the Director any formation which such person possesses, and which if submitted by him would have rendered such security incompetent to be registered under this act; or

(j) has refused to permit an examination to be made by the Director, or has failed to file any annual report required by this act, within the time fixed by the Director for filing such report, or to pay the fee required for the filing and examination of any such report, or to file any report or furnish any information that may be required by the Director under the provisions of this act.

In connection with any such examination the Director may require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either in this state or in any other state where the issuer's business is located, approved by the Director.

Whenever the Director may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as such Director shall point out or to be brought down to the latest practicable date.

A verified annual report in such form as the Director may prescribe giving complete current financial information regarding each security and the issuer of each security registered, including therein a report as to the number of securities sold in Kentucky, and the aggregate sale price thereof, by virtue of such registration, shall be filed with the Director by the issuer as of the close of business December 31st of each year, or as of such other dates as fixed by the Director, such reports to be on file with the Director within sixty days following such dates and the filing thereof to be accompanied by

a filing fee of $5.00. Discontinuance of such annual reports shall take place upon the filing of a verified statement showing either that such security is fully sold and outstanding, or that the issuer desires cancellation by the Director of the unsold part of such issue of such registered security, whereupon appropriate orders shall be entered by the Director, but such discontinuance of reports or such cancellation shall not prevent the Director from investigating such issuer or any sale or sales or any circumstances connected with the registration or sale of such security or from taking any action authorized by law.

If the Director shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation, provided that the order shall state the Director's grounds for taking such action.

Notice of the entry of such order shall be given in writing, served personally or sent by mail or by telegraph, to the issuer and to every registered dealer who shall have notified the Director of an intention to sell such security.

Before any final order of revocation is entered the issuer shall, upon application, be entitled to a hearing.

§ 12. *Registration of Dealers and Salesmen—Information Required—Renewals—Fees.* No dealer or salesman shall engage in business in this State as such dealer or agent or sell any securities including securities exempted in Section two of this Act, except in transactions exempt under Section three of this Act, unless and until such dealer or salesman has been registered as a dealer or salesman in the office of the Director pursuant to the provisions of this section: Provided, that partners of a partnership or the executive officers of a corporation or association registered as a dealer shall not be required to register as agents under the provisions of this section.

Every dealer before engaging in business in this State shall file in the office of the Director an application for registration in writing in such form as the Director may prescribe,

duly verified by oath, which shall state the location of such dealer's principal office and all branch offices in this state, if any, the name or style of doing business, the names, residence and business addresses of all persons interested in the business as principals, partners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and the length of time the dealer has been engaged in business.

Every applicant for an original license as dealer shall publish notice of the filing of such application once, in form prescribed by the Director, in a daily newspaper of general circulation in the city where the applicant's principal place of business is located, or in the city of Frankfort if the applicant has no such place of business in this State, and proof of such publication shall be filed with the Director of Securities.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Director in actions against such dealer in manner and form as provided in Section ten of this Act.

Application for registration of an agent shall be made only by the registered dealer desiring to employ such agent, and shall be signed and sworn to by the person seeking registration as an agent, and shall be in such form and shall furnish such information as the Director shall prescribe. No person shall be eligible for registration as salesman for more than one dealer at the same time.

The Director may require such additional information as he may deem necessary in connection with any application for registration of a dealer or salesman.

The Director shall examine such application for registration of a dealer or salesman and shall make further examination of the applicant and its affairs as he shall deem advisable. If from such examination, the Director shall be satisfied that such application should not be refused upon one or more of the grounds as specified under section thirteen of this Act, he shall

register such applicant as a dealer, or agent, as the case may be.

The names and addresses of all persons approved for registration as dealers or agents and all orders with respect to such registration shall be recorded in a register of dealers and salesmen kept in the office of the Director, and the names of all dealers and salesmen, and the orders of the Director relating to such registration, shall be open to public inspection.

Every registration under this section shall expire on the thirty-first day of December next after the date of registration, but the Director shall renew such registrations for the ensuing year upon the filing of written renewal applications, to be prescribed by the Director, and the filing of any additional statements or information required by the Director.

Applications for such renewals of registration shall be received by the Director not more than sixty days before the first day of the ensuing year, and shall be filed not later than thirty days prior to the first day of the ensuing year; otherwise such renewal application shall be treated as an original application.

The filing fee for registration or renewal thereof shall be one hundred dollars ($100) in the case of a dealer, and five dollars ($5.00) in the case of a salesman, and such fee shall be paid to the Director at the time of filing such application for registration or renewal.

Changes in registration occasioned by changes in the personnel of a partnership or in the principals, copartners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the Director in writing of his intention to do so. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale and whenever a dealer shall have prepared such notice and shall have forwarded the

same by mail to the Director, such dealer, as to the contents of such notice and filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of a security required to be registered under the provisions of this Act, selling such security except in exempt transactions as defined in Section three hereof, shall be deemed a dealer within the meaning of this Section and required to comply with the provisions hereof.

§ 13. *Refusal, Revocation, Suspension, of Dealer's or Agent's Registration—Procedure—Examination of Dealer's Books—Reports—Audits.* The Director may refuse the registration of any dealer or agent, or may revoke any registration theretofore granted, by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of such applicant or registrant so registered, either in the performance of routine duties, or upon field examination, or upon hearing, it shall be determined that such applicant or registrant so registered:

(a) is insolvent, if a dealer; or

(b) is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or agent; or

(c) does not conduct his business in accordance with law, or has violated any provisions of this act; or

(d) is in such financial condition that he cannot continue in business with safety to his customers; or

(e) has been guilty of fraud in connection with any sale or purchase of securities; or

(f) has made any misrepresentations or false statement to, or concealed any essential or material fact from, any person in the sale to or purchase from such person of any security; or

(g) has knowingly made or caused to be made to the Director any false representation of a material fact, or has suppressed or withheld from the Director any information which such applicant or registrant possesses, and which if

submitted by him would have rendered such applicant or registrant incompetent to be registered under this act; or

(h) has failed to account to persons interested for all money or property received; or

(i) has not delivered, after a reasonable time, to persons entitled thereto, securities held or agreed to be delivered by the dealer, as and when paid for and due to be delivered; or

(j) is selling or offering for sale securities through any solicitor or agent not registered in compliance with the provisions of this act; or

(k) has taken grossly unfair advantage of a customer in any security transaction; or

(l) has refused to permit an examination by the Director of its books and affairs, or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Directors under the provisions of this act; or

(m) has been convicted of a felony or any misdemeanor of which an essential is fraud.

It shall be sufficient cause for refusal or revocation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual dealer or agent.

All registered dealers shall keep and maintain at all times in their principal places of business, complete and suitable records of all transactions in all the securities whatsoever purchased and sold by them, together with such books, papers and data as will clearly reflect the financial condition of the securities business of such dealers, and every dealer shall, at such times as may be required by the Director, make and file in the office of the Director a true and correct statement in such form and containing such data as the Director may re-

quire of the business of such dealer; and the Director may at any time require any such registered dealer under this act to have an audit made of his books and records by a public accountant to be selected by the dealer from a list of public accountants approved by the Director, or by any other public accountant first approved by the Director, and to file a certified copy thereof with the Director: Provided, That the requirements of this paragraph shall not apply to any bank or trust company registered as a dealer which is supervised and examined by the Division of Banking of this state.

If the Director shall deem it necessary he may enter an order suspending the registration of any dealer or agent pending any investigation, provided that the order shall state the Director's grounds for taking such action; and notice of the entry of such order shall be given in writing, served personally or sent by mail or by telegraph to the dealer and the agent or agents affected thereby.

Before any final order is entered, refusing registration to any dealer or agent or revoking any registration theretofore granted, the applicant or dealer affected therby shall upon rquest be entitled to a hearing; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of any agent of the dealer.

§ 14. *Burden of Proof.* It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceedings laid or brought under this act and the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classification.

§ 15. *No Repeal of Corporation Laws.* Nothing in this act shall be construed to relieve corporations from making reports now or hereafter required by law to be made to the secretary of state or any other state officer or paying the fees now or hereafter to be paid by corporations. This act shall

not be construed to repeal any law now in force regulating the organization of corporations in this state or the admission of any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regulating the organization of a corporation under the laws of this state or the admission of a foreign corporation to do business in this state.

§ 16. *Certificate of Director—Admissibility in Evidence.* In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the Director or his deputy showing compliance or noncompliance with the provisions of this act respecting the security in question or respecting the security in question or respecting compliance or noncompliance with the provisions of this act by any issuer, dealer or agent or salesman shall constitute prima facie evidence of such compliance or such non-compliance with the provisions of this act, as the case may be, and shall also be admissible in evidence in any action at law or in equity to enforce the provisions of this act.

§ 17. Certified Copies of Statements and Documents—Admissibility. Copies of any statement and documents filed in the office of the Division of Securities and of any records of the Division certified to by the Director or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 18. *Fraudulent or Deceitful Sales—Impositions.* Whenever it shall appear to the Director, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement or distribution of any securities within this state, including any security exempted under the provisions of section two, or in any transaction exempted under the provisions of section three, any person, as defined

in this act, or person acting for him shall have employed, or employes, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money or property by means of any false pretense, representation or promise, or that any such person shall have made, makes or attempts to make in this state fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred to as fraudulent or deceitful practices, or practices that would work an imposition, the Director shall investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or transactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the attorney general in the Franklin circuit court or through the commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 19. *Remedies.* Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by the purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided, further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest or such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interest bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 20. *Appeals.* An appeal may be taken by any person interested and affected thereby from any final order of the Director to the Franklin circuit court by serving upon the Director within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal, of such final order is sought a demand in writing for a certified transcript of the

record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the Director shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with clerk of the said court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the Director and that is contained in the transcript upon which the appeal is taken. If the order of the Director shall be reversed said court shall by its judgment specifically direct said Director as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained, provided that the Director shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application, provided such application is not otherwise barred or limited. Such appeal from the finding of the Director shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the Judgment of said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said Di-

rector in the granting or refusing to grant a license or permit to transact business in this state, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said Director to make investigation as to revoke any such license or permit or complaint as herein provided, shall be subject to review in a suit or other proper proceeding in the Franklin circuit court by any person, firm or corporation feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 21. *Powers of Director—Rules and Regulations.* The Director shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 22. *Power to Examine and Administer Oaths—Expenses.* The Director may within his discretion when and as soon as may be after an application has been filed with the department make a careful inspection and examination of and concerning the application, the personnel of the applicant issuing person, its books, records, files, accounts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the Direcor may deem necessary. The expense of making such inspection and examination shall be borne by the applicant, who when requested by the Director shall make a cash deposit with the Director sufficient to pay the expert inspector or accountant $25.00 per day and his

actual expenses and this right of examination and inspection shall be inherent and continuing in the Director and may be exercised from time to time by him as deemed necessary within his discretion.

§ 23. *Examination upon Complaint—When and How Made—Expense.* Should it at any time upon information, complaint or otherwise, appear to the Director that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to the time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such examinations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examination, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the Director to make such examination, inspection or investigation has been filed in the office of the Director, and should the Director in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary expense of making such examination, inspection or investigation.

§ 24. *Misleading Advertisements—Liabilities.* In addition to the liability now imposed by law, any person or com-

pany that, by written or printed circular, prospectus, statement or advertisement of any kind shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security for the loss or damage sustained by him by reason of any false or misleading statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and director thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any untrue statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

§ 25. *Advertisement of Securities.* It shall be unlawful hereafter, except as to exempt securities, as provided in section two, and securities that may be sold and offered for sale on notification as provided in section five:

(a) To advertise in this state, through or by means of

any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise; or

(b) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear; or

(c) To circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold or to be sold in one of the transaction exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the Director.

§ 26. *Certain Information and Records Open to Inspection by Public.* All information received by the Director shall be kept open to public inspection at all reasonable hours, and the Director shall supply to any applicant upon payment of fee therefor copies of any papers or record with the Director, but the Director shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the Director, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the Director. A certificate under the hand of the Director or his deputy, showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and shall be admissible in evidence in any proceeding, either civil or criminal, instituted under any of the laws or statutes of this state.

§ 27. *Warning to Public.* The Director may when he deems it of public interest so to do issue and give warnings in

such manner as he thinks necessary to the public concerning securities being sold in this state.

§ 28. *Fees Paid into State Treasury—Expenses of Administration.* All fees herein provided for shall be collected by the Director and shall be paid over to the State Treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the Director first approves expert inspector, auditor, or accountant and permits the person examined to pay the fees directly to him. All expenses of the administration of this act, including salaries, clerk hire, postage, printing, stationery and the like shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the Director.

§ 29. *Commission for Sale of Securities.* It shall be unlawful for any person, firm, corporation or association to pay or agree to pay, directly or indirectly, in consideration for the sale of any of the securities included in this act a commission or fee greater than twenty (20) per cent.

30. *Construction of Act.* No trick, device, or subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this act, may be carried out.

§ 31. *Penalty for Refusal to Obey Order of Director.* Any person who shall refuse to make answer to any competent and material question propounded to him by the Director, or his deputy, shall upon conviction in any court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 32. *Penalty for False Statements.* Any person who, under oath makes a false answer to any competent and material question in any hearing before the Director, special inspection, examination or investigation, shall be guilty of false swearing, and upon conviction shall be punished as prescribed in Section 1174 of the Kentucky Statutes.

§ 33. *Penalty for Filing False Statement with Director.* Any person who shall make or file, or cause to be made or filed with the Director under or in compliance with any of the provisions of this act, any statement, document, or other paper sworn to by him and which is false in any material respect or matter shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in Section 1174 of the Kentucky Statutes.

§ 34. *Penalty for Sale of Securities of Insolvent Issuer.* Any issuer or agent, salesman, dealer or broker of or for any issuer knowing such issuer to be insolvent, who shall offer to sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 35. *Penalty for Violations of this Act.* Any person who wilfully does, or aids or advises in doing any act that is not included in and punished by section thirty-one, thirty-two, thirty-three, and thirty-four of this act, and that is prohibited or made unlawful by any of the provisions of this act, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 35½. *Savings Clause.* Any proceedings, civil or

criminal, which are now pending under the law or laws or parts of laws hereby repealed, shall not be affected by such repeal, nor shall such repeal invalidate any deposits in escrow or contracts entered into by the issuer of securities for the benefit or security of any persons; and the Director shall proceed in all respects, touching such contracts and escrows as if such law had not been repealed; and rights of action conferred, or duties, restrictions, liabilities or penalties imposed or required by or under such law or laws or parts of laws upon or of any corporation or person subjected to such law or laws or parts of laws before this act become effective, shall not be impaired or abrogated by such repeal, but every such corporation or person shall, as to all actions hereafter performed be subject to the povisions of this act. All securities which are now registered under any previous law of this state, and which registration is unrevoked or unsuspended on the date of the taking effect of this act shall be deemed to be registered under this act but all provisions of this act with respect to suspension and revocation and with respect to any powers of the Director shall apply to said registrations and securities as applied to registrations and securities which shall hereafter be registered under this act. All registrations of dealers or agents granted by the Division of Securities for the year 1938 and expiring December 31, 1938, under any previous law of this state and which registrations are unrevoked or unsuspended on the date of the taking effect of this act, shall be deemed to be in effect under this act for the year 1938, and in all other respects such dealers and agents shall be subject to the provisions of this act.

§ 36. *Constitutionality.* Should the court declare any section or clause of this act unconstitutional, then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

§ 37. *Statutes Repealed.* That Sections 165a-23 to and

including 165a-61 of Baldwin's 1936 Revision of Carroll's Kentucky Statutes, and all acts or parts of acts in conflict herewith, be and the same are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ferd A. Gnau	Luster C. Oxley
B. F. Bedford	C. A. Hale	Mel Petry
F. C. Boyd	Ralph Hamilton	Grover C. Ransom
C. P. Bradbury	S. T. Hamilton	Thomas Rigdon
C. C. Byrne	C. L. Hammons	E. S. Robey
J. F. Carr	John M. Hunnicutt	William T. Rollo
T. Fowler Combs	W. H. Hunt	E. A. Rose
Herbert Cook	William K. King	Carl Scheben
G. Cunningham	Clyde D. Lester	Wm. St. C. Stuart
Norman A. Curtis	J. H. McKinney	Carl M. Taylor
Willard Q. Daniel	Stanley C. Moebus	Henry Ward
F. E. Daugherty	John B. Mollette	R. E. West
L. M. Davisworth	Tyler F. Munford	W. G. Williams
Sam Dever	Rodes K. Myers	Lee Roy Wilson
Forest C. Easley	Alfred A. Naff	James W. Young
Garland Embry	Homer Neikirk	—47

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 11. An Act requiring the operators of all vehicles to stop before passing a school bus upon a public highway which shall be stopped for the purpose of receiving or discharging passengers, and providing penalty for violation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever any school bus is stopped upon a public highway for the purpose of receiving or discharging passengers, every operator of a vehicle approaching from any direction on the same highway shall bring said vehicle to a complete stop and shall not start up or attempt to pass until the said school bus has finished receiving or discharging passengers; that the driver of said bus after having stopped for the purpose of receiving or discharging passengers shall permit all vehicles stopped as required herein to proceed before again putting the school bus in motion; and anyone found guilty of violating the provisions of this Act shall be deemed guilty of a misdemeanor, and punished upon conviction by a fine of not more than Five Hundred ($500.00) Dollars or imprisoned in jail for not more than six months or both so fined and imprisoned.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	Grover C. Ransom
Geo. P. Anderson	Chas. P. Farnsley	Hobart Rayburn
J. Everett Bach	C. A. Hale	Hubert H. Read
B. F. Bedford	Ralph Hamilton	Thomas Rigdon
Rell Bevins	S. T. Hamilton	E. S. Robey
F. C. Boyd	John M. Hunnicutt	William T. Rollo
C. C. Byrne	W. H. Hunt	E. A. Rose
J. F. Carr	William K. King	Carl Scheben
T. Fowler Combs	Clyde D. Lester	W. S. Shanklin
Herbert Cook	C. C. May	Wm. St. C. Stuart
G. Cunningham	J. H. McKinney	Carl M. Taylor
Norman A. Curtis	Stanley C. Moebus	Joe L. Wall
Willard Q. Daniel	John B. Mollette	Henry Ward
F. E. Daugherty	Alfred A. Naff	R. E. West
L. M. Davisworth	Homer Neikirk	W. G. Williams
Sam Dever	Henry Plum	Lee Roy Wilson
Forest C. Easley	H. O. Porter	James W. Young

—51

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

The hour of four-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 175. An Act to amend Section 5 of Chapter 27 of an act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, be amended by adding Subsections 3 and 4, reading as follows:

"Subsection 3; Any fraternal benefit Society authorized to do business in this State, which shall accumulate and maintain the reserves on all certificates hereafter issued, required by the American Experience Table of Mortality, with Craig's or Buttolph's extension thereof, or the Standard Industrial Table of Mortality, with an interest assumption of not more than four per centum per annum, or same higher standard, may accept members at such ages, and children under sixteen years of age, in such manner and upon such showing of eligibility, and issue to its members and to children under sixteen years of age such forms of certificates in such amounts and payable to such beneficiaries as its Constitution and Laws may authorize. Children under sixteen years of age shall have no voice or vote."

"Subsection 4; All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill a length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	S. T. Hamilton	Kleber F. Price
J. Everett Bach	C. L. Hammons	Ed F. Prichard
William T. Baker	John M. Hunnicutt	Grover C. Ransom
Rell Bevins	W. H. Hunt	Hobart Rayburn
F. C. Boyd	Ben W. Johnson	Thomas Rigdon
C. P. Bradbury	Clyde D. Lester	William T. Rollo
J. F. Carr	Carl Lyttle	Carl Scheben
George S. Clay	Peter P. Mattingly	Wm. St. C. Stuart
H. S. Cleveland	C. C. May	A. Frank Tabb
T. Fowler Combs	Elmer McGlothen	W. R. Tapp
Herbert Cook	J. H. McKinney	Carl M. Taylor
G. Cunningham	Alton Mitchell	Gabe B. Taylor
Norman A. Curtis	Stanley C. Moebus	Erna E. Tyra
Willard Q. Daniel	John B. Mollette	Joe L. Wall
F. E. Daugherty	William E. Mull	Henry Ward
L. M. Davisworth	Tyler F. Munford	R. E. West
Sam Dever	Rodes K. Myers	John M. Williams
Garland Embry	Homer Neikirk	W. G. Williams
Raymond Eyl	Luster C. Oxley	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	James W. Young
C. A. Hale	Henry Plum	
Ralph Hamilton	H. O. Porter	—64

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 48. An Act to amend Sec. 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide for the period of probation of defendants in certain criminal cases.

Mr. Hunnicutt moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 90. An Act to amend "An Act authorizing the establishment of free public libraries in cities of the Second and Third Classes", which was enacted at the regular session of the General Assembly of the Commonwealth of Kentucky held in the year 1902, and which was approved March 21, 1902, and which appears as Chapter 70 of the Acts of the General Assembly passed at said regular session of the year 1902, at pages 155 to 158 thereof, and which also appears as Section 3210b-1 of Carroll's Kentucky Statutes, Baldwin's Revision, published in the year 1936, as said Act may have been heretofore amended; and for other purposes.

With a Committee amendment thereto.

Said bill is as follows, viz:

WHEREAS, it has been found from long experience that the provisions now made by law for the establishment, sup-

port and maintenance of free public libraries in cities of the Second Class in this Commonwealth are insufficient to provide annually the income and revenue reasonably necessary for such establishment, support and maintenance, and

WHEREAS, in the Act passed at the regular session of the General Assembly, held in the year 1902 and approved on March 21, 1902, which appears as Chapter 70 of the aforesaid Acts of 1902, and also as Section 3210b-1 of Carroll's Kentucky Statutes, Baldwin's Revision, published in the year 1936, the provision therein made that "Three per centum (3%) of the net amount of taxes levied annually in the city for common school purposes" has heretofore been adjudged to be unconstitutional and inoperative, and cities of the Second Class have been unable to avail themselves of said provision and no other source of income has heretofore been provided as a substitute for said three per centum (3%) of the net amount of taxes levied annually in the city for common school purposes, and

WEREAS, by existing law, provision has been made whereby the governing authorities of any city of the First, Third, Fourth, Fifth, and Sixth Classes are authorized to levy, for public library purposes, an annual tax upon all property assessed and taxed for city purposes, within the rates and limits by such laws prescribed, but no such provision has ever been made with respect to free public libraries in cities of the Second Class in this Commonwealth; and the need for such power and authority is most urgent,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 70 of the printed Acts passed by the General Assembly at its regular session held in the year 1902, which was approved March 21, 1902, and now appears as Section 3210b-1 of Carroll's Kentucky Statutes, Baldwin's Re-

vision, published in the year 1936, be amended and re-enacted so that same as amended and hereby enacted shall read as follows, to-wit:

That as soon as a sufficient fund for that purpose shall be accumulated, under the provisions of this Act, augmented by private contributions or otherwise, in any city of the second class, there shall be established and maintained in such city a free public library, and in cities of the second class wherein, under any act of the General Assembly, a free library has been established, the same shall continue as herein provided. Said free public library shall be under the direction and control of a board of trustees, consisting of seven members, to be styled the "Board of Trustees of the Public Library," and which said board of trustees of the public library shall continue, and they are hereby declared a body politic and corporate, under said name and style, with perpetual succession, and by that name may contract and contracted with, sue, and be sued, have and use a corporate seal, the same to alter and renew at pleasure, or may act without a seal; may purchase, receive, lease, hold, sell and dispose of real and personal estate for public library purposes. Said board shall have the custody, control, management and expenditure of all funds that may heretofore have been acquired or accumulated for free public library purposes, or that may hereafter be acquired or accumulated for or be devoted to said purposes; and any funds, securities, or other personal or real property, or the proceeds of real or personal property, heretofore received or that may hereafter be received by said board by gift or donation, or otherwise in trust for library purposes, may be held intact as the principal of an investment or endowment fund subject to investment and reinvestment from time to time, in real or personal property, and such fund, if and when established, may be allowed to accumulate for such length of time and to such an amount as said board, in its discretion, shall deem prudent and advisable; and like-

wise, in the discretion of said board all of any part of the gains and income arising from such fund may, as it accrues, be allowed to accumulate and be added from time to time to such fund, and thereby become and be a part of the principal and be managed, invested, treated and disposed of for all purposes as principal and be held and maintained intact as such corpus or principal.

The mayor of the city, and presiding judge of the county court of the county in which the city may be located, in case the county contributes annually to the maintenance of the public library shall be ex-officio members of said board and the remaining five members thereof shall be appointed by the mayor one for one year, one for two years, one for three years, two for four years, and their successors, as said terms shall respectively expire, to be appointed for four years, and shall be so selected and appointed as never to have more than four members thereof of the same political party, and that two members of said board shall be women. The members of said board so appointed by the mayor shall be citizens of the city and not less than thirty years of age, shall serve without compensation, shall each give a bond in the sum of five thousand dollars, for the faithful performance of their respective duties, and shall take an oath before the mayor to faithfully perform their duties. Vacancies shall be filled as herein before provided and appointments made for the duration of the unexpired term.

Said board shall have no power to charge any of the real or personal property of said corporation with any debt or liability, and shall at no time expend, in the operation or maintenance of the library, or for any other purpose, any money in excess of that annually appropriated by the provisions of this act, and should said board attempt to impose any debt or liability upon the property of said free public library, or make any contract for amounts of money in excess of that annually appropriated by the provisions of this act, all such contracts

or liabilities shall be void as against the free public library, and such members of the board as may vote for such debts, liabilities or expenditures of money shall be personally liable for the same.

The board shall meet once each month and oftener if necessary for the transaction of business. At its first meeting in each fiscal year the board shall elect a President, a Vice-President and a Secretary-Treasurer. The Treasurer shall submit an itemized report of receipts, expenditures and balance on hand at each monthly meeting and a similar report at the end of the fiscal year. Said board shall have the power necessary to establish, and when established, to maintain and conduct said free public library and may adopt from time to time rules and regulations for the proper conduct of said library. Said library shall be open and free to the public, under such rules and regulations as the board of trustees may prescribe, during reasonable and proper hours. Said board is empowered to employ such technical and clerical staff as may be necessary to successfully conduct the affairs of the library. The librarian shall submit a monthly and yearly report to the board describing the kind and amount of the various services rendered. Such yearly report with the Treasurer's yearly report shall be sent within sixty days after the close of the fiscal year to the state library agency authorized by law to secure such information.

When there is already established in the city a public or private library, the board of trustees of the public library may enter into an agreement with the association or corporation, owning or controlling such library, whereby such library, including books, real and personal propery, may be transferred or leased to said board of trustees of the public library, for a term of years or in perpetuity, or united with that established by the city under the provisions of this or any former act.

Said library shall be strictly non-sectarian and non-part-

isan, and always so conducted. And the legislative body of the city shall, by a proper ordinance, provide penalties and the method of imposing the same, for the protection and preservation of books and equipment, the property of said free public library, and the prevention of trespass upon the grounds or buildings thereof, and for the proper conduct of patrons of said library; and all fines and costs collected for the violation of such ordinance or ordinances shall, when collected, be paid over to the board of trustees of said library.

In aid of the establishment, upkeep, support and maintenance of such free public library, there is hereby appropriated for its use and benefit one-half of the net amount of all fines, forfeitures, and costs collected in the police court of such city; and, to further aid in the establishment, upkeep, support, and maintenance of such free public library, and in consideration of the public use thereof, the general Council or board of City Commissioners or other governing authority, as the case may be, of any such city of the second class, shall annually, in its annual ordinance fixing the tax rate, include a levy for public library purposes, of not less than two cents(2c) and not exceeding five cents (5c) on each one hundred dollars ($100) of the value of all property assessed for taxation for city purposes and the amount so levied shall annually be appropriated and passed to the credit of the free public library, upon the books of said city, and the amounts of such levy as collected, shall be paid over to the free public library aforesaid by the city, in regular monthly or quarterly installments, as may be most convenient to the city; and all money so appropriated, levied, collected, and paid over to and received by such free public library, together with such other money or funds, if any, it may receive for the purpose from any other source, or sources, shall be used in conducting and maintaining said library for the public uses and purposes aforesaid and for none other. All moneys due the library shall be deposited in an insured bank in said city and funds shall be withdrawn from

said bank only on order of the board by check of its treasurer, countersigned by its president or its vice-president when acting in his stead.

And to further aid in the establishment and maintenance of such public library, the general council or other governing authority of the city and the fiscal court of the county, either or both, jointly or separately, are hereby authorized and empowered to accept, by ordinance, resolution, order or contract, (and, if necessary, unite with the board of trustees of the public library), any donation that may have been offered by Andrew Carnegie or may hereafter be offered by any person, persons, association or corporation, and comply with the conditions upon which said donations may be offered and accepted, and make the terms of said contract perpetually binding upon said city and county; and said general council or other governing authority of the city and fiscal court of the county shall annually levy such special tax as may be necessary to comply with said conditions or terms of any such contract, and to provide the sums of money agreed therein to be paid annually and perpetually for the maintenance of said public library, and shall cause the same to be collected as and when other taxes are collected and paid over promptly to the board of trustees of the public library.

§ 2. That in any city of the second class where, by any contract or obligation now existing and in force or where, by any contract or obligation that may hereafter be entered, into by such city, any such city of the second class has convenanted, agreed and bound itself to pay toward the establishment, upkeep, support and maintenance of any free public library already established or that may at any time hereafter be established in such city, a minimum sum certain, such contract or obligation shall be and remain in full force and effect notwithstanding the provisions by this Act made for the establishment, support, upkeep and maintenance of any such free public library; and any payment or payments required to

be made by the city in consequence of any such contract or obligation made and entered into by it with any other person or persons, institution or institutions, whether incorporated or unincorporated, shall be met and discharged by the city in addition to the provisions by this act made for raising and providing revenue for the support, upkeep and maintenance of any such free public library; and any such city of the second class shall not have the right to apply or take credit to itself against the amount from it by reason or on account of any such conract or obligation, any monies derived from the general tax levy hereby authorized and directed to be made, or any monies derived from fines, forfeitures or costs collected in the police court of such city, one-half of the net amount of all of which fines, forfeitures and costs, collected in such police court, are hereby appropriated to be paid over to the Board of Trustees of the free public library of such city for the support, upkeep, and maintenance thereof; and any public library of such city of the second class shall be entitled to receive in full the sum or sums annually made payable to it by the governing authority of such city by virtue and in pursuance of any such contract or obligation wholly unaffected by the provisions of this Act for raising revenue for library purposes by means of an annual general tax levy within the limits and at the rate hereinbefore provided, and for paying over to the Board of Trustees of such free public library one-half of the net amount of all fines, forfeitures and costs collected in the police court of such city.

§ 3. It shall be the duty of said board of trustees to annually estimate the needs of the free public library for the ensuing year and it shall, sixty days before the beginning of the fiscal year submit a statement of such estimated needs to the governing authority of said city and it shall be the duty of said governing authority in making its apportionments and the annual levy for city purposes, to include in its levy the estimated needs, as provided herein, however, not to exceed in any one

year five cents (5c) on each one hundred dollars ($100.00) of taxable property within said city, in addition to such special tax as may be necessary to be levied to comply with the conditions and terms of any contract or obligation that may be or may heretofore have been entered into by said city, as hereinbefore mentioned.

§ 4. All laws and parts of laws in conflict with this Act, or any part or provision thereof, are hereby repealed.

§ 5. This Act shall be in force from and after its passage and approval as provided by law, and after such passage and approval shall be in full operation with the beginning of the Fiscal Year next ensuing in the cities of the Second Class.

Said Committee amendment is as follows, viz:

Amend S. B. 90 by striking out the word "shall" in line 111 on page 6 and substituting in lieu therefor the word "may"

Said amendment was agreed to.

Mr. Ward offered the following amendments to said bill, viz:

Amend S. B. 90 on page 8, section 3, lines, 4, 5, 6, 7, 8, 9, 10, 11 and 12 by placing a period at the end of 4, and by striking out all the words and figures in lines 5, 6, 7, 8, 9, 10, 11 and 12.

Amend S. B. 90 on page 8 Section 2, line 17 by striking out the word "not" in line 17 on page 8, Sec. 2 after the word "shall" and before the word "have"

Said amendments were each agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. L. Hammons	Kleber F. Price
J. Everett Bach	John M. Hunnicutt	Ed F. Prichard
William T. Baker	W. H. Hunt	Grover C. Ransom
Rell Bevins	Ben W. Johnson	Hobart Rayburn
F. C. Boyd	William K. King	Thomas Rigdon
C. P. Bradbury	Clyde D. Lester	E. S. Robey
J. F. Carr	Carl Lyttle	John C. Robinson
George S. Clay	Peter P. Mattingly	William T. Rollo
H. S. Cleveland	C. C. May	Clarence Rush
T. Fowler Combs	Elmer McGlothen	Carl Scheben
Herbert Cook	J. H. McKinney	Leon J. Shaikun
G. Cunningham	G. Samuel Milam	W. S. Shanklin
Norman A. Curtis	Alton Mitchell	Wm. St. C. Stuart
Willard Q. Daniel	Stanley C. Moebus	A. Frank Tabb
F. E. Daugherty	John B. Mollette	Carl M. Taylor
Sam Dever	William E. Mull	Gabe B. Taylor
Forest C. Easley	Tyler F. Munford	S. J. Wagner
Garland Embry	Rodes K. Myers	Joe L. Wall
A. H. Eversole	Alfred A. Naff	Henry Ward
Raymond Eyl	Homer Neikirk	L. Roger Wells
Ferd A. Gnau	Luster C. Oxley	R. E. West
C. A. Hale	Mel Petry	W. G. Williams
Ralph Hamilton	Henry Plum	Lee Roy Wilson
S. T. Hamilton	H. O. Porter	James W. Young

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Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 106. An Act relating to the uniform law of warehouse receipts and warehousing, providing for the issual of warehouse receipts, the obligation and rights of warehousmen upon receipts, interpretation of the act, and providing penalties for violations thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Warehouse receipts may be issued by any warehouseman.

§ 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods for which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership.

(i) A statement of the amount of advances made and of liabilities incurred, for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is at the time of the issue of the receipt un-

known to the warehouseman or to his agent who issued it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient. A warehouseman shall be liable to any person injured thereby for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

§ 3. A warehouseman may insert in a receipt issued by him any other terms and conditions; provided, that such terms and conditions shall not:

(a) Be contrary to the provisions of this chapter.

(b) In any wise impair his obligation to exercise that degree of care in safe-keeping of the goods intrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

§ 4. A receipt in which it is stated that the goods received will be delivered to the depositor or to any other specified person is a non-negotiable receipt.

§ 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provisions, if inserted, shall be void.

§ 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damages caused by his failure so to do to any one who purchased the subsequent receipt for value, supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

§ 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's fail-

ure so to do, a holder of the receipt who purchased it for value, supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgements of an informal character.

§ 8. A warehouseman, in the absence of some lawful excuse provided by this chapter, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

(a) An offer to satisfy the warehouseman's lien;

(b) An offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

§ 9. A warehouseman is justified in delivering the goods, subject to the provisions of the following sections. To one who is:

(a) The person lawfully entitled to the possession of the goods, or his agent;

(b) A person who is either himself entitled to delivery by the terms of the non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper;

(c) A person in possession of negotiable receipt by the terms of which the goods are delivered to him or order or to

bearer, or which has been indorsed by him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

§ 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section, and though he delivered the goods as authorized by said subdivision, he shall be so liable, if prior to such delivery he had either:

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

§ 11. Except as provided in section 41, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt for failure to deliver the goods to him, whether such person acquired title to the receipt before or after the delivery of the goods by the warehouseman.

§ 12. Except as provided in section 41, where the warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt for failure to deliver all the goods specified in the receipt, whether such purchaser acquired the title before or after the delivery of any portion of the goods by the warehouseman.

§ 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such altera-

tion was (a) immaterial, (b) authorized, (c) made without fraudulent intent. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

§ 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond, with sufficient sureties, to be approved by the court, to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees. But the delivery of the goods under an order of the court, as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

§ 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an

original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

§ 16. No title or right to the possession of goods, on the part of the warehouseman, unless such title or right is derived, directly or indirectly, from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

§ 17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

§ 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

§ 19. Except as provided in the two preceding sections and in sections 9 and 41, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

§ 20. A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the nonexistence of the goods or by the failure of the goods to corres-

pond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

§ 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable in the absence of an agreement to the contrary for any loss or injury to the goods which could not have been avoided by the exercise of such care.

§ 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors and from other goods of the same depositor for which a separate receipt has been issued as to permit at all times the identification and redelivery of the goods deposited.

§ 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

§ 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass under the same circumstances as if the goods had been kept separate.

§ 25. If goods are delivered to a warehouseman by the

owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution unless the receipt be first surrendered to the warehouseman or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

§ 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from the courts of appropriate jurisdiction by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

§ 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on proceeds thereof in his hands for all lawful charges for storage and preservation of the goods; also, for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisements of sale and for sale of the goods where default has been made in satisfying the warehouseman's lien.

§ 28. Subject to the provisions of section 30, a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if

such person has been so intrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

§ 29. A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this chapter.

§ 30. If a negotiable receipt is issued for goods, the warehouseman shall not have a lien thereon, except for charges for storage of those subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

§ 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

§ 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor for the collection of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

§ 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held and to any other person known to the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last place of business or abode of the person to be notified.

§ 34. The notice shall contain:

(a) An itemized statement of the warehouseman's claim and the date or dates when it became due;

(b) A brief description of goods against which the lien exists;

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it be personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and

(d) A statement that unless the claim is paid within the time specified, the goods will be advertised for sale and sold by auction at a specified time and place.

§ 35. In accordance with the terms of notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place.

§ 36. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold and stating the name of the owner or person on whose account the goods are held and the time and place of the sale shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

§ 37. From the proceeds of such sale, the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

§ 38. At any time before the goods are so sold, any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this chapter, to the possession of the goods on payment of charges thereon. Otherwise, the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

§ 39. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflamibility, or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under circumstances to satisfy the lien upon such goods, and to remove them from the warehouse; and in the event of the failure of such person to satisfy such lien and to remove the goods within the time specified, the warehouseman may sell the goods at public or private sale without advertising.

If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding sections.

§ 40. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of property.

§ 41. After the goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed

of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor or owner of the goods, or to a holder of the receipt given for the goods when they are deposited, even if such receipt is negotiable.

§ 42. A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

§ 43. Where, by the terms of a negotiable receipt, the goods are delivered to bearer or where a negotiable receipt has been indorsed in blank or to bearer any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

§ 44. A negotiable receipt may be negotiated by the indorsement of a person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed by a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

§ 45. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

§ 46. A negotiable receipt may be negotiated:

(a) By the owner thereof, or

(b) By any person in possession of same, however such possession may have been acquired if, by the terms of the re-

ceipt, the warehouseman undertakes to deliver the goods to the order of such person, or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery.

§ 47. A person to whom a negotiable receipt has been duly negotiated acquired thereby:

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

§ 48. A person to whom a receipt has been transferred, but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt. Prior to the notification of the warehouseman by the transferrer or transferee of a non-negotiable receipt, the title of the transferrer to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of any attachment or execution upon the goods by a creditor of the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

§ 49. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the receipt,

unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

§ 50. A person who for value negotiates or transfers a receipt by indorsement or delivery including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:

(a) That the receipt is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact that would impair the validity or worth of the receipt; and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

§ 51. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

§ 52. A mortgagee, pledgee, or holder for security of a receipt who in good faith demands or received payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt of the quantity or quality of the goods therein described.

§ 53. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the receipt was negotiated, or the person to whom the receipt was subsequently negotiated, paid value therefore, in good faith, without notice

of the breach of duty, or loss, theft, fraud, accident, mistake, duress, or conversion.

§ 54. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage, or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

§ 55. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller, unless the receipt is first surrendered for cancellation.

§ 56. A warehouseman, or any officer, agent, or servant of a warehouseman who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his control at the time of issuing such receipt, shall be guilty of a crime, and be punished for such offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

§ 57. A warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statements, shall be guilty of a crime, and be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 58. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt, knowing that the goods tiable receipt for goods knowing that a former receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate", except in the case of a lost or destroyed receipt after proceedings as provided for in Section 14, shall be guilty of a crime, and be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

§ 59. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not so state such ownership, shall be guilty of a crime, and be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

§ 60. A warehousman, or any officer, agent, or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 41, be found guilty of a crime, and be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

§ 61. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and be punished for each

effense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

§ 62. In any case not provided for in this chapter, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress, or coercion, mistake, bankruptcy, or other invalidating cause shall govern.

§ 63. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 64. First, in this chapter, unless the context or subject-matter otherwise requires:

(1) "Action" includes counterclaim, set-off, and suit in equity.

(2) "Delivery" means voluntary transfer of possession from one person to another.

(3) "Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any unit.

(4) "Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

(5) "Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

(6) "Orders" means an order by indorsement on the receipt.

(7) "Owner" does not include mortgagee or pledgee.

(8) "Person" includes a corporation or partnership or two or more persons having a joint or common interest.

(9) To "purchase" includes to take as mortgagee or as pledgee.

(10) "Purchaser" includes mortgagee and pledgee.

(11) "Receipt" means a warehouse receipt.

(12) "Value" is any consideration sufficient to support

a simple contract. An antecedent or preexisting obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction or as security therefor.

(13) "Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

Second, a thing is done in "good faith" within the meaning of this chapter when it is in fact done honestly, whether it be done negligently or not.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	Sam Dever	H. H. McGuire
J. Everett Bach	Archie Eversole	J. H. McKinney
William T. Baker	Raymond Eyl	G. Samuel Milam
Rell Bevins	Ferd A. Gnau	Stanley C. Moebus
F. C. Boyd	C. A. Hale	John B. Mollette
C. P. Bradbury	Ralph Hamilton	William E. Mull
C. C. Byrne	S. T. Hamilton	Tyler F. Munford
J. F. Carr	C. L. Hammons	Rodes K. Myers
George S. Clay	John M. Hunnicutt	Alfred A. Naff
H. S. Cleveland	W. H. Hunt	Homer Neikirk
T. Fowler Combs	Ben W. Johnson	Luster C. Oxley
G. Cunningham	William K. King	Mel Petry
Norman A. Curtis	Carl Lyttle	Henry Plum
Willard Q. Daniel	Peter P. Mattingly	H. O. Porter
F. E. Daugherty	C. C. May	Kleber F. Price
L. M. Davisworth	Elmer McGlothen	Ed F. Prichard

Grover C. Ransom	W. S. Shanklin	H. L. Waterfield
Hobart Rayburn	A. Frank Tabb	L. Roger Wells
Thomas Rigdon	W. R. Tapp	John M. Williams
E. S. Robey	Gabe B. Taylor	W. G. Williams
William T. Rollo	S. J. Wagner	Lee Roy Wilson
Carl Scheben	Joe L. Wall	
Leon J. Shaikun	Henry Ward	—67

There voted in the negative—

Carl M. Taylor —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Easley of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. 36. An Act to adopt Carroll's 1936 Kentucky Statutes and Baldwin's Service as the law of the Commonwealth.

H. B. 35. An Act to adopt Carroll's 1938 Codes as the Criminal and Civil Codes of Practice of the Commonwealth.

H. B. 6. An Act to permit third and fourth class cities to maintain Chambers of Commerce.

H. B. 38. An Act to authorize Dr. L. S. Siler to sue the Commonwealth.

H. B. 84. An Act to submit a constitutional amendment for State to provide aid for needy blind and dependent children.

H. B. 185. An Act to provide for an extra assistant attorney general for the Department of Highways.

H. Res. 33. Resolution to appoint a committee to commemorate the 150th anniversary of Kentucky's admission to the Union.

H. Res. 27. Resolution to pay claim to William D. Overton.

H. Res. 31. Resolution to provide benefit for Lieutenant O. J. Wilson.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hunnicutt moved that the House do now adjourn to meet again on to-morrow at twelve o'clock Meridian.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 1, 1938.

The House was called to order by The Honorable John Kirtley, Speaker.

The House was opened with prayer by the Reverend Fred Moffatt of the First Baptist Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Ralph Hamilton	Henry Plum
Geo. P. Anderson	S. T. Hamilton	H. O. Porter
J. Everett Bach	C. L. Hammons	Kleber F. Price
William T. Baker	Ira W. Hulette	E. F. Prichard
B. F. Bedford	John M. Hunnicutt	Grover C. Ransom
Rell Bevins	W. H. Hunt	Hobart Rayburn
F. C. Boyd	Ben W. Johnson	Hubert H. Read
C. P. Bradbury	William K. King	Thomas Rigdon
C. C. Byrne	Clyde D. Lester	E. S. Robey
J. F. Carr	Carl Lyttle	Joe E. Robinson
George S. Clay	D. T. Matlack	John C. Robinson
H. S. Cleveland	Peter P. Mattingly	William T. Rollo
T. Fowler Combs	C. C. May	E. A. Rose
Herbert Cook	M. T. McCarthy	Clarence Rush
John C. Cornett	T. B. McConnell	Carl Scheben
G. Cunningham	Elmer McGlothen	Leon J. Shaikun
Norman A. Curtis	H. H. McGuire	W. S. Shanklin
William J. Curtis	J. H. McKinney	Parker Sims
Willard Q. Daniel	G. Samuel Milam	Wm. St. C. Stuart
F. E. Daugherty	Alton Mitchell	A. Frank Tabb
L. M. Davisworth	Stanley C. Moebus	W. R. Tapp
Sam Dever	John B. Mollette	Carl M. Taylor
Forest C. Easley	William E. Mull	Gabe B. Taylor
Garland Embry	Tyler F. Munford	Erna E. Tyra
A. H. Eversole	Rodes K. Myers	S. J. Wagner
Raymond Eyl	Alfred A. Naff	Cass R. Walden
Chas. P. Farnsley	Homer Neikirk	Joe L. Wall
Ferd A. Gnau	Luster C. Oxley	Henry Ward
C. A. Hale	Mel Petry	H. L. Waterfield

L. Roger Wells	W. G. Williams	Z. Taylor Young
R. E. West	Lee Roy Wilson	Mr. Speaker
J. D. White	Terrill A. Wilson	
John M. Williams	James W. Young	

Mr. Wagner moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hunnicutt moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Tyler Munford moved that the privilege of the floor be extended to Messrs. Alex Johnson and McKay Reed of Louisville, Kentucky.

Said motion was agreed to.

Mr. Shaikun moved that the privilege of the floor be extended to Mr. Palmer Van Arsdale.

Said motion was agreed to.

Mr. Garland Embry moved that the privilege of the floor be extended to Mr. Frank Bruton.

Said motion was agreed to.

Mr. Lee Roy Wilson moved that the privilege of the floor be extended to Mr. Headley Cord of Bell County.

Said motion was agreed to.

Mr. Stuart moved that the privilege of the floor be extended to Mrs. George Lewis.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 56. An Act to repeal and re-enact Section two thousand forty-three-twelve (2043-21), Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, Supplement one thousand nine hundred thirty-three (1933), the same being Section twelve (12), of Chapter sixty-eight (68) of the Acts of one thousand nine hundred thirty (1930), repealed, amended, and re-enacted by Chapter fifty-four (54) of the Acts of one thousand nine hundred thirty-six (1936) and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended," and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section two thousand forty-three-twelve (2043-12). Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, Supplement one thousand nine hundred thirty-three (1933), being Chapter twelve (12) of Chapter sixty-eight (68) of the Acts of the General Assembly, one thousand nine hundred thirty (1930), and being Chapter fifty-four (54) of the Acts of the General Assembly, one thousand nine hundred thirty-six (1936), relating to the manner of com-

mitment of incompetent veterans of the World War who are beneficiaries of the World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended, be and the same is hereby repealed, amended and re-enacted, so that such section when thus repealed, amended, and re-enacted shall read as follows:

Section Twelve (12). Every guardian or committee, who has or is receiving funds from the Veterans' Administration, shall, before investing such funds of the estate, obtain the prior order of the court and with such prior order shall invest the funds of the estate in such manner and in such securities or annuities, in which the guardian or committee has no interest, as allowed by law; except that where said guardian or committee invests such funds in bonds or other interest bearing obligations of the United States Government or securities authorized by Acts of Congress no prior order of the court is needed or is necessary.

All laws or parts of laws in conflict herewith are hereby repealed.

Whereas, any delay in the privilege of so investing the funds of a veteran may result in the loss of an income to such veteran, an emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in acoerdance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Ed F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

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There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate; to authorize a trust company or a bank, empowered to act as a fiduciary under the laws of the State of Kentucky, to establish a common trust fund under a written plan to be approved by the Kentucky State banking authority; to authorize the amendment or modification of any such plan with the approval of the Kentucky State banking authority; and to authorize such trust company or bank to invest trust funds in its hands in shares or participation certificates issued against such common trust fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to investments now lawful for trust funds;

(a) It shall be lawful for persons or corporations holding trust funds in a fiduciary capacity for loan or investment, to invest the same in real estate, after having obtained the approval of the Circuit Court for said investment.

(b) It shall be lawful for a trust company, or a bank (hereinafter also called a "trust company") empowered to act as a fiduciary under the laws of the State of Kentucky and subject to examination by either the Kentucky State or Federal banking authorities, (1) to set apart in a separate common trust fund certain definite securities and properties, which in each instance would conform to the Kentucky requirements as to trust investments; (2) to issue against such common trust fund shares, or participation certificates, in such common trust fund; and (3) to invest trust funds in its hands for investment in such shares or participation certificates; provided, however, that such trust company shall at all times maintain definite records, fully and accurately setting forth, (1) all securities and properties held in such common trust fund; and (2) all shares or participation certificates issued against such fund. Provided that nothing in this Act shall be

construed as changing or repealing any provision of Section 2035 and 2035a-1, Kentucky Statutes, Carroll's 1936 Edition. Provided further, that before establishing a common trust fund as herein provided, that trust company proposing to establish same shall, (1) file with the Kentucky State banking authority a writing setting forth the plan under which it proposed to establish, maintain, operate, and ultimately liquidate such common trust fund; and (2) secure in writing the approval of such plan by the Kentucky State banking authority. Provided further, that a trust company, after having established a common trust fund and secured the approval of the plan thereof as herein provided, may thereafter change, modify, or amend such plan by, (1) filing with the Kentucky State banking authority a writing setting forth the proposed change, modification, or amendment; and (2) securing in writing the approval of such change, modification, or amendment by the Kentucky State banking authority.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	J. F. Carr	F. E. Daugherty
J. Everett Bach	George S. Clay	Sam Dever
William T. Baker	H. S. Cleveland	Garland Embry
Rell Bevins	T. Fowler Combs	Raymond Eyl
F. C. Boyd	John C. Cornett	Chas. P. Farnsley
C. P. Bradbury	Norman A. Curtis	Ferd A. Gnau
C. C. Byrne	Willard Q. Daniel	C. A. Hale

Ralph Hamilton	Alton Mitchell	Parker Sims
C. L. Hammons	William E. Mull	Wm. St. C. Stuart
Ira W. Hulette	Tyler F. Munford	A. Frank Tabb
John M. Hunnicutt	Rodes K. Myers	Carl M. Taylor
W. H. Hunt	Homer Neikirk	Gabe B. Taylor
Ben W. Johnson	Mel Petry	S. J. Wagner
Clyde D. Lester	Kleber F. Price	Cass R. Walden
Carl Lyttle	E. F. Prichard	Joe L. Wall
D. T. Matlack	Grover C. Ransom	Henry Ward
Peter P. Mattingly	Thomas Rigdon	L. Roger Wells
M. T. McCarthy	E. S. Robey	J. D. White
Elmer McGlothen	William T. Rollo	W. G. Williams
H. H. McGuire	Carl Scheben	Lee Roy Wilson
G. Samuel Milam	Leon J. Shaikun	Terrill A. Wilson

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency, by the board of directors with the consent of the Director of the Division of Banking, providing for the publication of notice of such transfer; providing for the payment of fair cash value to aggrieved shareholder, and the time and manner of objection of such aggrieved shareholder; and providing for the repeal of all laws and parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever in the opinion of the Director of the Division of Banking and of a majority of the members of the respective boards of directors of the banks concerned therein, an emergency exists warranting an immediate transfer of such assets and liabilities, the board of directors of any bank, by a two-thirds vote, may transfer the assets and liabilities of such bank to another bank or banks, without the vote or approval of the stockholders of each such bank, party to such proposed transfer. No such transfer shall be made without the consent of the Director of the Division of Banking and each bank, party to such transfer, shall file, or cause to be filed with the Director of the Division of Banking, certified copies of all proceedings had by its board of directors, which proceedings shall contain a complete copy of the agreement made and entered into by and between such banks. Notice of a transfer of assets and liabilities made pursuant to the provisions of this Act shall be given by publication in a newspaper of general circulation, in the county where the principal office of each bank, party thereto, is located. Such notice shall be published once each week for four consecutive weeks immediately following such transfer and certified copy thereof shall be filed in the office of the Director of the Division of Banking.

§ 2. Any shareholder of the transferror bank who shall deem himself aggrieved by reason of such transfer, shall be paid the fair cash value of his shares as of the day before the day on which the vote of the board of directors was taken authorizing such transfer, excluding from such fair cash value any appreciation or depreciation in consequence of the transfer which entitled him to such relief, if such shareholder within twenty days after the day on which such vote was taken shall object in writing to such transfer and shall demand in writing the payment of such fair cash value of his shares.

Such payment shall be made within thirty days after such fair cash value is agreed upon or determined. Any shareholder who does not object and demand in writing the payment of the fair cash value of his shares in the manner and at the time hereinbefore provided shall be bound by the vote of a majority of the directors of such bank.

§ 3. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	Elmer McGlothen
Everett J. Bach	Raymond Eyl	H. H. McGuire
William T. Baker	Chas. P. Farnsley	G. Samuel Milam
Rell Bevins	Ferd A. Gnau	Alton Mitchell
F. C. Boyd	C. A. Hale	William E. Mull
C. P. Bradbury	Ralph Hamilton	Tyler F. Munford
C. C. Byrne	C. L. Hammons	Rodes K. Myers
J. F. Carr	Ira W. Hulette	Homer Neikirk
George S. Clay	John M. Hunnicutt	Mel Petry
H. S. Cleveland	W. H. Hunt	Kleber F. Price
T. Fowler Combs	Ben W. Johnson	Ed F. Prichard
John C. Cornett	Clyde D. Lester	Grover C. Ransom
Norman A. Curtis	Carl Lyttle	Thomas Rigdon
Willard Q. Daniel	D. T. Matlack	E. S. Robey
F. E. Daugherty	Peter P. Mattingly	William T. Rollo
Sam Dever	M. T. McCarthy	Carl Scheben

Leon J. Shaikun	Gabe B. Taylor	L. Roger Wells
Parker Sims	S. J. Wagner	J. D. White
Wm. St. C. Stuart	Cass R. Walden	Lee Roy Wilson
W. R. Tapp	Joe L. Wall	Terrill A. Wilson
Carl M. Taylor	Henry Ward	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending, and reenacting Kentucky Statutes §3883, Carroll's Edition 1930.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Kentucky Statutes §3883, Carroll's Edition 1930, be and is hereby repealed, and that the same be amended by changing the compensation allowed to an executor, administrator or curator, appointed under the laws of Kentucky, by providing for a different basis of compensation, and clarifying the existing law, so that said section, when reenacted, shall read as follows:

The compensation of an executor, administrator or curator, for services as such, shall not exceed five per cent (5%) of the value of the personal estate of the decendent plus five

per cent (5%) of the income collected by the executor, administrator or curator for the estate. Provided, however, that upon proof submitted showing that an executor, administrator or curator has performed additional services in the administration of the decendent's estate, which additional services have been either (a) unusual or extraordinary and not normally incident to the administration of a decedent's estate, or (b) performed in connection with real estate or performed in connection with estate and inheritance taxes claimed against property not a part of the decedent's estate, but included therein for the purpose of asserting such taxes, then the Court may allow to the executor or administrator such additional compensation as would be fair and reasonable for the additional services rendered.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	George S. Clay	Garland Embry
J. Everett Bach	H. S. Cleveland	Raymond Eyl
William T. Baker	T. Fowler Combs	Chas. P. Farnsley
Rell Bevins	John C. Cornett	Ferd A. Gnau
F. C. Boyd	Norman A. Curtis	C. A. Hale
C. P. Bradbury	Willard Q. Daniel	C. L. Hammons
C. C. Byrne	F. E. Daugherty	Ira W. Hulette
J. F. Carr	Sam Dever	John M. Hunnicutt

W. H. Hunt	Rodes K. Myers	W. R. Tapp
Ben W. Johnson	Homer Neikirk	Carl M. Taylor
Clyde D. Lester	Mel Petry	Gabe B. Taylor
Carl Lyttle	Kleber F. Price	S. J. Wagner
D. T. Matlack	E. F. Prichard	Cass R. Walden
Peter P. Mattingly	Grover C. Ransom	Joe L. Wall
M. T. McCarthy	Thomas Rigdon	Henry Ward
Elmer McGlothen	E. S. Robey	L. Roger Wells
H. H. McGuire	William T. Rollo	J. D. White
G. Samuel Milam	Carl Scheben	Lee Roy Wilson
Alton Mitchell	Leon J. Shaikun	Terrill A. Wilson
William E. Mull	Parker Sims	James W. Young
Tyler F. Munford	Wm. St. C. Stuart	—62

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 60. An Act relating to the compensation of trustees and fiduciaries, by adding after Section 4711 Kentucky Statutes, Carroll's Edition 1930, as amended, a new provision relating to such compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees of estates, guardians of infants, and committees of idiots or lunatics, shall receive for their services as

such, a commission of five per cent (5%) of the income collected by any such fiduciary, such commission being payable as the income is collected; and an annual commission of one-fifth of one per cent (1/5 of 1%) of the fair value of the real and personal estate in the care of the fiduciary; or, at the option of the fiduciary, and in lieu of the annual commission on principal, a commission which shall not exceed five per cent (5%) of the fair value of the principal distributed, such latter commission being payable at the time the principal is distributed. In the absence of some provision, agreement, or direction to the contrary, the aforesaid commission on income shall be paid out of the income from the estate, and the aforesaid commission on principal shall be paid out of the principal of the estate. Provided, however, that upon proof submitted showing that a fiduciary of the character aforesaid has performed additional service in the handling of the estate in the fiduciary's care, which additional services have been unusual or extraordinary and not normally incident to the care and management of an estate, the Court may allow to the fiduciary such additional compensation as would be fair and reasonable for the additional services rendered; and such additional compensation shall be payable out of principle or income, or part out of principal and part out of income, as the Court may in its discretion direct.

All laws or parts of laws in conflict herewith are hereby repealed; provided, however, that nothing contained in this Act shall repeal, amend, or modify any of the provisions of Section 2043, Sub-section 11, of Carroll's Kentucky Statutes, 1936 Edition, relating to the compensation of guardians and committees of veterans.

This is a new Bill, there having heretofore been no statute regulating charges of trustees of estates, guardians of infants and committees of idiots or lunatics.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	E. F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

Those who voted in the negative were—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 79. An Act to amend and re-enact Section six hundred ten (610) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a trust company; and providing for a change in the maximum amount permitted.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section six hundred ten (610) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and the same is hereby amended and re-enacted, so that, when thus re-enacted it shall read as follows, to-wit:

No trust company shall permit any of its stockholders, or any person, company or firm, including in the liability of the company or firm the liability of the individual members thereof, directly or indirectly, to become indebted and/or obligated as a guarantor or surety to it in a sum exceeding twenty per cent. of its capital stock actually paid in, and surplus actually on hand, unless such borrower deposits with it good collateral security, or executes to it a mortgage upon real or personal estate, which, at the time, is of more than the cash value of such loan, indebtedness and/or obligation above all other incumberances, and if the borrower is a director or officer of such company, he shall not be permitted to become indebted and/or obligated as guarantor or surety to it in excess of ten per cent of its paid-up capital, without securing

the excess by the mortgage or pledge of real or personal property, double in value the amount of such excess, and in no event shall the indebtedness and/or obligation of any person, company or firm, including in the liability of the company or firm the liability of the individual members thereof, exceed thirty per cent. of its paid-up capital and actual surplus. Any loan made, and/or obligation entered into for the benefit of a person, company or firm shall be included in the total liabilities of the person, company or firm.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	Elmer McGlothen
J. Everett Bach	Raymond Eyl	Heman H. McGuire
William T. Baker	Chas. P. Farnsley	G. Samuel Milam
Rell Bevins	Ferd A. Gnau	Alton Mitchell
F. C. Boyd	C. A. Hale	William E. Mull
C. P. Bradbury	Ralph Hamilton	Tyler F. Munford
C. C. Byrne	C. L. Hammons	Rodes K. Myers
J. F. Carr	Ira W. Hulette	Homer Neikirk
George S. Clay	John M. Hunnicutt	Mel Petry
H. S. Cleveland	W. H. Hunt	Kleber F. Price
T. Fowler Combs	Ben W. Johnson	Ed F. Prichard
John C. Cornett	Clyde D. Lester	Grover C. Ransom
Norman A. Curtis	Carl Lyttle	Thomas Rigdon
Willard Q. Daniel	D. T. Matlack	E. S. Robey
F. E. Daugherty	Peter P. Mattingly	William T. Rollo
Sam Dever	M. T. McCarthy	Carl Scheben

Leon J. Shaikun	Gabe B. Taylor	L. Roger Wells
Parker Sims	S. J. Wagner	J. D. White
Wm. St. C. Stuart	Cass R. Walden	Lee Roy Wilson
W. R. Tapp	Joe L. Wall	Terrill A. Wilson
Carl M. Taylor	Henry Ward	James W. Young

—63

Those who voted in the negative were—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 80. An Act to amend and re-enact Section Five Hundred and Eighty-Three (583) of Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a bank, the highest amount permitted, certain bills of exchange not included.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Five Hundred Eighty-Three (583) of Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six (1936) Edition, shall be and the same is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows, to-wit:

No bank shall permit any of its stockholders, or any person, company or firm, including in the liability of the company

or firm the liability of the individual members thereof, directly or indirectly, to become indebted and/or obligated as guarantor or surety to it in a sum exceeding twenty per cent of its capital stock actually paid in, and its actual amount of surplus, unless such borrower, guarantor or surety, pledge with it good collateral security, or execute to it a mortgage upon real or personal estate, which at the time is of more than the cash value of such loan, indebtedness and/or obligation above all other incumbrances, and if the borrower is a director or officer of such bank he shall not be permitted to become indebted and/or obligated as guarantor or surety to it in excess of ten per cent of its paid-up capital stock, without securing the excess by the mortgage or pledge of real or personal property double in value the amount of such excess; and in no event shall the indebtedness and/or obligation of any person company or firm, including in the liability of the company or firm the liability of the individual members thereof, exceed thirty per cent of its paid-up capital and actual surplus. Any loan made, and/or obligation entered into, for the benefit of a person, company or firm shall be included in the total liabilities of the person, company or firm. Provided that the discount of bills of exchange drawn against actually existing value and the purchase or discounting of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section in fixing the limit of indebtedness, and/or obligation of any person, firm or corporation, selling or negotiating said paper to the bank.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Ed F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

Those who voted in the negative were—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 81. An Act to repeal, amend and re-enact Sections one hundred sixty-five a-fifteen (165a-15) and five hundred eighty-six (586) of Carroll's Kentucky Statutes, one thousand nine hundred and thirty-six (1936) Edition, relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking, reduction of capital and how impairment shall be made good.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections one hundred sixty-five a-fifteen (165a-15) and five hundred eighty-six (586) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and are hereby repealed, amended and re-enacted, so that, when thus re-enacted, the reading shall be as follows, to-wit:

Section one hundred sixty-five a-fifteen (165a-15). Whenever it shall appear that the capital stock of any bank has been impaired, the Director of the Division of Banking of the Department of Business Regulation, shall notify such bank and each director thereof, to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the Director of the of the Division of Banking immediately to call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash: Provided, that such bank may with the consent of the Director reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

The board of directors of every bank whose capital shall have become impaired by losses or otherwise, shall, within thirty days after receiving notice from the Director of the Division of Banking assess the deficiency in such capital upon the stockholders, to be paid in cash, pro rata for the amount

of capital stock held by each. Notice of the amount so assessed upon each stockholder and that, if the same is not paid within the time herein limited, a sufficient amount of his stock will be sold as herein provided, shall be given to him by registered mail. If any stockholder of such bank neglects or refuses to pay such assessment within sixty days after receipt of such notice, it shall be the duty of the board of directors to cause a sufficient amount of the stock of such stockholder to be sold at either public or private sale, to make good the deficiency, and the balance, if any, shall be returned to such delinquent stockholder. If the directors of such bank shall fail for thirty days after such notice to levy such assessment, the Director of the Division of Banking may, with the advice and consent of the Attorney-General, institute such proceedings as may be necessary to wind up the affairs of the bank. If any bank shall fail to cause to be paid in such deficiency in its capital stock for ninety days after receiving such notice from the Director of the Division of Banking, the Director of the Division of Banking may forthwith institute such proceedings as may be necessary to wind up the affairs of the bank.

A sale of stock as provided in this section shall effect an absolute cancellation of the outstanding certficate, or certificates, evidencing the stock so sold, and shall make said certificate, or certificates, null and void, and a new certificate, or certicates, shall be issued by the bank to the purchaser of such stock.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

They yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Ed F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 82. An Act pertaining to banking, and to amend and re-enact Section Five Hundred Ninety-Five (595) Car-

roll's Kentucky Statutes, One Thousand Nine Hundred Thirty (1930) edition, as amended by Chapter One (1) of the Acts of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Three (1933), and as amended by Chapter Twelve (12) of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Six (1936) so as to provide to the holders of non-assessable preferred capital stock issued by a bank or trust company or combined bank and trust company exemption from assessment to restore impairment of capital and rights with respect to dividends, voting and conversion rights, control of management and preference in the event of retirement of said stock, or liquidation of the corporation, and prescribing a basis for determination of whether or not there exists an impairment of the capital of a bank or trust company or combined bank and trust company which has issued such stock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section five hundred ninety-five (595) Carroll's Kentucky Statutes one thousand nine hundred thirty (1930) Edition, as amended by Chapter One (1) of the Acts of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of one thousand nine hundred thirty-three (1933), and as amended by Chapter Twelve (12) of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of one thousand nine hundred thirty-six (1936), be and the same is hereby amended and reenacted so as to read as follows, to-wit:

"Section five hundred ninety-five (595). Double liability of stockholders; nonassessable preferred stock. The stockholders of each bank organized under this article shall be individually responsible, equally and ratably, and not one for the

other, for all contracts and liabilities of such bank to the extent of the amount of their stock at par value in addition to the amount of such stock; but persons holding stock as fiduciaries shall not be personally liable as stockholders, but the estate in their hands shall be liable in the same manner and to the same extent as the property of other stockholders; and no transfer of stock shall operate as a release of any such liability existing at the time of such transfer, provided the action to enforce such liability shall be commenced within two years from the time of the transfer; and the directors of each bank shall, in January of each year, file with the Director of the Division of Banking a correct list of the stockholders and officers of such bank.

The additional liability herein imposed upon shareholders in banks organized under the laws of this State shall not apply with respect to shares in any such banks issued after May 16, 1936. Such additional liability shall cease on July one (1) one thousand nine hundred thirty-seven (1937), or at such date as the double liability of stockholders in National banks ceases under the National bank laws, with respect to all shares issued by any such bank in this State which shall be transacting the business of banking on the above date; provided, that not less than six months prior to such date such bank shall have caused notice of such prospective termination of liability to be published in a newspaper published in the city, town or county in which such bank is located, and if no newspaper is published in such city, town or county, then in a newspaper of general circulation therein. If such bank fail to give such notice as and when above provided, a termination of such additional liability may thereafter be accomplished as of the date six months subsequent to publication in the manner above provided.

Any bank or trust company, or combined bank and trust company, heretofore or hereafter organized under the laws of this Commonwealth, may issue nonassessable preferred capital stock, of one or more classes, to which the double liability

shall not apply, and the holders of which shall not be liable for assessment to restore impairment in the capital of such corporation.

Such preferred capital stock may be considered as part of the minimum capital stock, and in the case of existing corporations shall be issued in the manner now provided for increasing capital stock.

The holders of such preferred capital stock shall be entitled to receive such cumulative dividends at a rate not exceeding six (6) per centum per annum of the amount received by the banking corporation in payment of such preferred stock, and shall have such voting and conversion rights, and such control and management, and such stock shall be subject to retirement at such price, with such premium, in such manner and upon such conditions as may be provided in the original or amended articles of incorporation, and, if the corporation is placed in voluntary liquidation, receiver or liquidator is appointed therefor, no payment shall be made to the holders of common stock until the holders of such preferred stock shall have been paid in full such amount, not in excess of the amount received by the corporation in payment for such stock plus an amount equal to all unpaid dividends thereon accrued to date of payment, as may be provided in the original or amended articles of incorporation.

No issue or preferred stock shall be valid until the par value of all stock so issued shall be paid in.

If any part of the capital stock of a bank or trust company, or combined bank and trust company organized under the laws of this State consists or shall consist of such preferred capital stock, the determination of whether or not the capital of such bank or trust company, or combined bank and trust company is impaired, and the amount of such impairment shall be based upon the par value of its stock, even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquida-

tion shall be in excess of the par value of such preferred capital stock."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	E. F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 83. An Act providing that banks incorporated under the laws of any other state shall not do any business in this Commonwealth, except to lend money; and providing for the repeal of all laws and parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no bank or banking institution incorporated under the laws of any other state shall be permitted to receive deposits or transact any banking business of any kind in this Commonwealth, except to lend money.

§ 2. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	E. F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gaibe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

There voted in the negative—

R. E. West. —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 103. An Act to repeal and reenact, as amended,

Section 165a-20 Kentucky Statutes, Carroll's Edition 1936, relating to the powers of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, trust company, combined bank and trust company, or any trust, banking and title insurance company, in regard to the necessity and convenience of such institutions, and amending said section so as to provide for the investigation of certain additional phases of such proposed institutions, and for the refusal of articles of incorporation of such institutions by the Director of the Division of Banking, and to require each director thereof to own in his own right shares of a par value of not less than $500.00.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Section 165a-20 Kentucky Statutes, Carroll's Edition 1936, is hereby repealed, amended and reenacted to read as follows:

"Before filing the articles of incorporation of any proposed bank, trust company, combined bank and trust company, or any trust, banking or title insurance company, in the office of the county clerk in the county in which it is to be located and do business, and with the secretary of state, as is required by law, the incorporators shall present a copy of their proposed articles of incorporation to the Director of the Division of Banking for his approval or disapproval, and when such articles are approved in writing by him, the incorporators may then proceed to the filing, and having same recorded. Upon presentation of said articles of incorporation to the Director, he shall carefully examine same, and shall make diligent inquiry and investigation as to the financial standing and moral character and capability of each of the incorporators. The Director of the Division of Banking shall further determine by investigation of the facts and conditions:

(1) That there is reasonable assurance of sufficient volume of business for the proposed bank or trust company to be successful;

(2) That the public convenience and advantage will be promoted by the opening of the proposed bank or trust company.

After the Director of the Division of Banking shall have satisfied himself by such investigation whether it is expedient and desirable to permit such proposed corporation to engage in business, he shall approve or disapprove in writing such Articles of Incorporation. If such articles be approved, then the county clerk and the secretary of state, respectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and fully complying with all laws relating to the organization of such financial institutions, and such general corporation laws as are applicable, said institutions shall be deemed organized for the purpose set out in its articles of incorporation, but before such financial institutions shall transact any banking or trust business, they shall file with said Director a written oath which shall be taken by each and every officer and director of the bank, trust company, or combined bank and trust company, which oath shall be in substance to the effect that such officer is then a citizen of the United States, and the Commonwealth of Kentucky unless he be a non-resident, then place of residence must be stated; that he will well and truly discharge the duties of his office, and honestly and efficiently administer the affairs of the institution, so far as the duties of his office require; that he will uphold the laws of the Commonwealth, and particularly the banking laws; that he is the owner in good faith and in his own right of shares representing at least $500.00 par value, unhypothecated or pledged on a debt, of the capital stock of the corporation of which he is such officer and director; said oath shall be taken before any officer empowered by law to administer same, and the same oath shall be taken upon the election of any officer and/or director to office in any banking

and/or trust institution, and such original and subsequent oaths shall be transmitted to the Director of the Division of Banking immediately upon its execution, and shall be by the Director filed and preserved.

Upon the filing of such oath, if the Director of the Division of Banking be then satisfied that all requisite laws have been complied with he shall issue to the institution a certificate which will entitle it to at once transact the business for which it was organized, setting out therein that it had subscribed and paid in the required capital and otherwise fully complied with all pertinent laws and regulations".

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	John C. Cornett	C. L. Hammons
J. Everett Bach	Norman A. Curtis	Ira W. Hulette
William T. Baker	Willard Q. Daniel	John M. Hunnicutt
Rell Bevins	F. E. Daugherty	W. H. Hunt
F. C. Boyd	Sam Dever	Ben W. Johnson
C. P. Bradbury	Garland Embry	Clyde D. Lester
C. C. Byrne	Raymond Eyl	Carl Lyttle
J. F. Carr	Chas. P. Farnsley	D. T. Matlack
George S. Clay	Ferd A. Gnau	Peter P. Mattingly
H. S. Cleveland	C. A. Hale	M. T. McCarthy
T. Fowler Combs	Ralph Hamilton	Elmer McGlothen

H. H. McGuire	Grover C. Ransom	Gabe B. Taylor
G. Samuel Milam	Thomas Rigdon	S. J. Wagner
Alton Mitchell	E. S. Robey	Cass R. Walden
William E. Mull	William T. Rollo	Joe L. Wall
Tyler F. Munford	Carl Scheben	Henry Ward
Rodes K. Myers	Leon J. Shaikun	L. Roger Wells
Homer Neikirk	Parker Sims	J. D. White
Mel Petry	Wm. St. C. Stuart	Lee Roy Wilson
Kleber F. Price	W. R. Tapp	Terrill A. Wilson
Ed. F. Prichard	Carl M. Taylor	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 104. An Act to fix the minimum amount of capital of any bank, trust company, combined bank and trust company, and trust, banking and title insurance companies, hereafter organized under the laws of this State, and to clarify any statutory inconsistencies relating thereto; and to repeal and reenact, as amended, Kentucky Statutes, Carroll's Edition 1936, Section 577, and Section 580, relating to banks, Section 603 relating to trust companies, Section 612a relating to combined banks and trust companies, and Section 883c-1 relating to trust, banking and title insurance companies; and to repeal, so far as inconsistent herewith, Section 598b (2) relating to the required capital of State and National banks in this State acting as fiduciaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This Act shall apply to the financial institutions hereafter organized and specified herein, and not to any such corporations of any of the classes herein mentioned now existing.

§ 2. Section 577 Kentucky Statutes, Carroll's Edition 1936, as amended, is hereby repealed, amended and reenacted to read as follows:

"Any number of persons, not less than five, may associate to establish a commercial bank, or a savings bank, or a bank having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this article, as follows: the capital stock of any bank shall not be less than $25,000 in cities or towns having a population of 7,500 or less; nor less than $50,000 in cities having a population in excess of 7,500 but less than 25,000; nor less than $100,000 in cities having a population in excess of 25,000 but less than 100,000; nor less than $200,000 in cities having a population in excess of 100,000; and if such bank shall also engage in the business of a trust company or title insurance company, the amount of capital required above shall be at least double the amount fixed and stated in this section.

Whenever in this section the word 'population' is used the population as indicated by the last regular United States census is meant".

§ 3. Section 580 Kentucky Statutes, Carroll's Edition 1936, is hereby repealed, and in lieu thereof there is hereby enacted the following substitute:

"The minimum capital required of any bank or other financial institution shall be paid in full in money, and in addition thereto there shall be so paid in a surplus of twenty per cent (20%) of the minimum capital so required, and be in

the custody of the directors before it shall be authorized to commence business".

§ 4. Section 603 Kentucky Statutes, Carroll's Edition 1936, is hereby repealed, amended and reenacted to read as follows:

"Any number of persons not less than seven may associate to establish a corporation for the purpose of conducting a trust business under the provisions of this article, as follows: the capital stock of any trust company shall not be less than $25,000 in cities or towns having a population of 7,500 or less; nor less than $50,000 in cities having a population in excess of 7,500 but less than 25,000; nor less than $100,000 in cities having a population in excess of 25,000 but less than 100,000; nor less than $200,000 in cities having a population in excess of 100,000; and if such trust company shall also engage in the business of banking or title insurance company, the amount of capital required above shall be at least double the amount fixed and stated in this section.

Whenever in this section the word 'population' is used the population as indicated by the last regular United States census is meant".

§ 5. Section 612a Kentucky Statutes, Carroll's Edition 1936, is hereby repealed, amended and reenacted, to read as follows:

"Any number of persons, not less than seven, may associate to establish a corporation for the purpose of conducting, and it may conduct, both a banking business and a trust company business. The capital stock of such corporation shall not be less than $50,000 in cities or towns having a population of 7,500 or less; nor less than $100,000 in cities having a population in excess of 7,500 but less than 25,000; nor less than $200,000 in cities having a population in excess of 25,000 but less than 100,000; nor less than $400,000 in cities having a population in excess of 100,000. The whole of said capital stock shall be subscribed and paid in money and in addition

thereto there shall be paid in a surplus of twenty per cent (20%) of the minimum capital so required before said corporation shall commence business. One-half of such capital stock shall be securely invested for the trust business of the corporation and shall at all times be kept separate and distinct from its other assets, and shall be primarily liable for its fiduciary obligations. The remainder of the capital stock of the corporation may be used in its business of banking, and its books shall be so kept as to show separately at all times the conditions of its banking business and of its trust business. Any corporation now doing either a banking or trust business in any county or city in this Commonwealth, and with the capital herein required, may, with the consent of a majority in number and interest, of its stockholders, organize under this section, and the stock, if unimpaired, may be converted into stock in the new corporation.

Whenever in this section the word 'population' is used the population as indicated by the last regular United States census is meant".

§ 6. Section 883c (1) Kentucky Statutes, Carroll's Edition 1936, is hereby repealed, amended and reenacted, to read as follows:

"That any number of persons not less than thirteen, may associate to establish a corporation for the purpose of conducting, and it may conduct, both a general banking business, a trust company business and a real estate title insurance business. The capital stock of such corporation shall not be less than $50,000 in cities or towns having a population of 7,500 or less; nor less than $100,000 in cities having a population in excess of 7,500 but less than 25,000; nor less than $200,000 in cities having a population in excess of 25,000 but less than 100,000; nor less than $400,000 in cities having a population in excess of 100,000. The whole of said capital stock shall be subscribed and paid in money, and in addition thereto there shall be paid in a surplus of twenty per cent (20%) of the minimum capital so required, before said cor-

poration shall commence business. Not less than $50,000, and never more than one-third or less than one-tenth of the total capital stock of any company, organized pursuant to this act, shall be used in its business of real estate title insurance; and one-half of such authorized capital stock, remaining after deducting so much thereof as may be set apart to the department of real estate title insurance, shall be securely invested for the trust business of the corporation, and shall, at all times, be kept separate and distinct from its other assets, and shall be primarily liable for its fiduciary obligations; and the other half of such remainder of the capital stock of the corporation may be used in its business of banking; and its books shall be so kept as to show separately at all times the condition of its trust business, the condition of its banking business and the condition of its real estate title insurance business.

Whenever in this section the word 'population' is used the population as indicated by the last regular United States census is meant''.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William T. Baker	F. C. Boyd
J. Everett Bach	Rell Bevins	C. P. Bradbury

C. C. Byrne	W. H. Hunt	Thomas Rigdon
J. F. Carr	Ben W. Johnson	E. S. Robey
George S. Clay	Clyde D. Lester	William T. Rollo
H. S. Cleveland	Carl Lyttle	Carl Scheben
T. Fowler Combs	D. T. Matlack	Leon J. Shaikun
John C. Cornett	Peter P. Mattingly	Parker Sims
Norman A. Curtis	M. T. McCarthy	Wm. St. C. Stuart
Willard Q. Daniel	Elmer McGlothen	W. R. Tapp
F. E. Daugherty	H. H. McGuire	Carl M. Taylor
Sam Dever	G. Samuel Milam	Gabe B. Taylor
Garland Embry	Alton Mitchell	S. J. Wagner
Raymond Eyl	William E. Mull	Cass R. Walden
Chas. P. Farnsley	Tyler F. Munford	Joe L. Wall
Ferd A. Gnau	Rodes K. Myers	Henry Ward
C. A. Hale	Homer Neikirk	L. Roger Wells
Ralph Hamilton	Mel Petry	J. D. White
C. L. Hammons	Kleber F. Price	Lee Roy Wilson
Ira W. Hulette	Ed F. Prichard	Terrill A. Wilson
John M. Hunnicutt	Grover C. Ransom	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 135. An Act to amend and re-enact Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to when business may begin, powers of corporation, powers to

discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pledging of certain assets to secure a loan in case of a transfer of deposit liability.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows, to-wit:

When the articles are filed and recorded as above provided it may commence business and shall thereupon become a body corporate, and to be known by and carry on its business in its corporate name, and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued; to appoint, remove and elect officers, define their duties, and require from any of them a bond for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for the government of the bank not inconsistent with laws; to exercise, subject to law, such powers as may be necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange, and other evidences of debt, and purchasing bonds, receiving deposits, and allowing interest thereon, buying and selling exchange, coin and bullion, and lending money on personal or real security, as provided in this article. Any bank or trust company may accept for payment at a future date drafts or bills of exchange drawn upon it by its customers and issue letters of credits authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time, not exceeding one year, and may also accept drafts or bills of exchange drawn upon it, having

not more than six months' sight to run, growing out of transactions involving the importation or exportation of goods, and any bank or trust company may discount acceptances which are based upon the importation or exportation of goods, and which have a maturity at time of discount of not more than three months and are endorsed by at least one other bank or trust company, but no bank or trust company shall accept such drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus, except by authority of the Director of the Division of Banking under such general regulation as said Director may prescribe, and in no event to an amount exceeding the capital stock and surplus of such bank or trust company; and such regulations shall apply to all banks or trust companies alike regardless of the amount of capital stock and surplus. In addition to the powers heretofore conferred upon and now possessed by banks, trust companies and combined banks and trust companies doing business under the laws of this State, they are hereby authorized and empowered and subject to existing statutory or charter limitations to pledge such portion of their assets as may be required by law as collateral security for government deposits made with them, or any of them, by or under the authority of the United States, or for any other deposit required by laws to be secured. Provided, however, that notwithstanding any provision of this Act or of any law of this Commonwealth or of any political subdivision thereof requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured under the provisions of Section 12B of the Federal Reserve Act, as amended, or any amendments thereto, and provided that if a bank proposes to sell its assets and transfer its deposit liability to another bank and if the purchasing bank is unwilling to accept a sufficient amount of the assets to cover the liability to depositors and other creditors, the selling bank may pledge all or a

part of its remaining or unacceptable assets to secure a loan for an amount sufficient to cover the remaining liability to the depositors and other creditors with the consent of the Director of the Division of Banking.

All laws and part of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Chas. P. Farnsley	William E. Mull
J. Everett Bach	Ferd A. Gnau	Tyler F. Munford
William T. Baker	C. A. Hale	Rodes K. Myers
Rell Bevins	Ralph Hamilton	Homer Neikirk
F. C. Boyd	C. L. Hammons	Mel Petry
C. P. Bradbury	Ira W. Hulette	Kleber F. Price
C. C. Byrne	John M. Hunnicutt	Ed F. Prichard
J. F. Carr	W. H. Hunt	Grover C. Ransom
George S. Clay	Ben W. Johnson	Thomas Rigdon
H. S. Cleveland	Clyde D. Lester	E. S. Robey
T. Fowler Combs	Carl Lyttle	William T. Rollo
John C. Cornett	D. T. Matlack	Carl Scheben
Norman A. Curtis	Peter P. Mattingly	Leon J. Shaikun
Willard Q. Daniel	M. T. McCarthy	Parker Sims
F. E. Daugherty	Elmer McGlothen	Wm. St. C. Stuart
Sam Dever	H. H. McGuire	W. R. Tapp
Garland Embry	G. Samuel Milam	Carl M. Taylor
Raymond Eyl	Alton Mitchell	Gabe B. Taylor

S. J. Wagner	Henry Ward	Lee Roy Wilson
Cass R. Walden	L. Roger Wells	Terrill A. Wilson
Joe L. Wall	J. D. White	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against an insured closed institution, of all depositors, whose deposits have been paid, or for the payment of which funds have been made available; and providing for the repeal of all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever any banking institution which is a member of, or whose deposits are insured by, the Federal Deposit Insurance Corporation shall have been closed and said Federal Deposit Insurance Corporation shall pay or make available for payment and insured deposit liabilities of such closed institution, said Corporation shall be and become subrogated by operation of law to all rights against such closed banking institution of each owner of a claim for deposit to the extent of such payment.

§ 2. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Ed F. Prichard
J. Everett Bach	C. L. Hammons	Grover C. Ransom
William T. Baker	Ira W. Hulette	Thomas Rigdon
Rell Bevins	John M. Hunnicutt	E. S. Robey
F. C. Boyd	W. H. Hunt	William T. Rollo
C. P. Bradbury	Ben W. Johnson	Carl Scheben
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
J. F. Carr	Carl Lyttle	Parker Sims
George S. Clay	D T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
Norman A. Curtis	H. H. McGuire	S. J. Wagner
Willard Q. Daniel	G. Samuel Milam	Cass R. Walden
F. E. Daugherty	Alton Mitchell	Joe L. Wall
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Tyler F. Munford	L. Roger Wells
Raymond Eyl	Rodes K. Myers	J. D. White
Chas. P. Farnsley	Homer Neikirk	Lee Roy Wilson
Ferd A. Gnau	Mel Petry	Terrill A. Wilson
C. A. Hale	Kleber F. Price	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 170. An Act to amend and re-enact Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and hereby is amended and re-enacted, so that the same when thus re-enacted, shall read as follows, to-wit:

Every bank organized and doing business under the laws of this state shall be subject to the inspection of the Director of the Division of Banking of the Department of Business Regulation. Such Director shall personally or by the Assistant Director of the Division of Banking or a state bank examiner visit each bank and examine the cash, bills, collateral, securities, other assets, books of accounts, and all other papers and books of such bank. On such examination inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the actions of its directors, the investment and disposition of

its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws of this state have been complied with in the administration of its affairs, and as to such other matters as the Director may deem necessary. Such examination shall be made of every bank at least once every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with the laws relating to banks, or a regulation of the Division of Banking of the State Department of Business Regulation.

The Director of the Division of Banking, the Assistant Director, and every state bank examiner shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank; and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being examined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the Division of Banking nor the examiner conducting any examination shall impart any information obtained by him during such examination, except as far as may be necessary in the performance of his official duty as provided by law; and except such Division of Banking may furnish to and exchange information and reports with officials and/or Examiners of any other properly authorized supervisory authorities, state or federal, including the Federal Deposit Insurance Corporation and the Reconstruction Finance Corporation, and the duly accredited representatives thereof. Provided, that any bank or trust company or combined bank and trust company which shall become a member of a federal reserve bank created and organized under the act of Congress known as the federal reserve act, shall be subject to the examination required

under the term of the said federal reserve act, and the Director of the Division of Banking may, in his discretion, accept examinations made by the federal reserve authorities in lieu of examinations made under the laws of this Commonwealth; and the Director is further authorized and directed to furnish to the federal reserve agent of the district in which such member bank may be situated, copies of reports and examinations made of such member bank.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Raymond Eyl	G. Samuel Milam
J. Everett Bach	Chas. P. Farnsley	Alton Mitchell
William T. Baker	Ferd A. Gnau	William E. Mull
Rell Bevins	C. A. Hale	Tyler F. Munford
F. C. Boyd	Ralph Hamilton	Rodes K. Myers
C. P. Bradbury	C. L. Hammons	Homer Neikirk
C. C. Byrne	Ira W. Hulette	Mel Petry
J. F. Carr	John M. Hunnicutt	Kleber F. Price
George S. Clay	W. H. Hunt	Ed. F. Prichard
H. S. Cleveland	Ben W. Johnson	Grover C. Ransom
T. Fowler Combs	Clyde D. Lester	Thomas Rigdon
John C. Cornett	Carl Lyttle	E. S. Robey
Norman A. Curtis	D. T. Matlack	William T. Rollo
Willard Q. Daniel	Peter P. Mattingly	Carl Scheben
F. E. Daugherty	M. T. McCarthy	Leon J. Shaikun
Sam Dever	Elmer McGlothen	Parker Sims
Garland Embry	H. H. McGuire	Wm. St. C. Stuart

W. R. Tapp	Cass R. Walden	J. D. White
Carl M. Taylor	Joe L. Wall	Lee Roy Wilson
Gabe B. Taylor	Henry Ward	Terrill A. Wilson
S. J. Wagner	L. Roger Wells	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision) be and the same is hereby amended and re-enacted so as to read as follows:

Any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth may subscribe for and own stock of the Federal reserve bank within the Federal reserve district where such bank or trust company or combined bank and trust company is located and may take any steps necessary to become a member of such Federal Reserve Bank.

Any bank or trust company or combined bank and trust

company organized under the laws of this Commonwealth is hereby empowered upon the authority of a majority of its board of directors to do anything necessary or appropriate to acquire or maintain insurance of its deposits in the Federal Deposit Insurance Corporation, established pursuant to Section 12B of the Federal Reserve Act, as amended, or in any Federal corporation that may succeed or be substituted for same; and also without limiting the generality of the foregoing to acquire stock or securities of such corporation and to enter into and take advantage of all contracts, rights and privileges, which may at any time be available to said banks or trust companies or combined banks and trust companies, or their depositors or receivers or liquidators, pursuant to said or other Federal Act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	C. A. Hale
J. Everett Bach	John C. Cornett	Ralph Hamilton
William T. Baker	Norman A. Curtis	C. L. Hammons
Rell Bevins	Willard Q. Daniel	Ira W. Hulette
F. C. Boyd	F. E. Daugherty	John M. Hunnicutt
C. P. Bradbury	Sam Dever	W. H. Hunt
C. C. Byrne	Garland Embry	Ben W. Johnson
J. F. Carr	Raymond Eyl	Clyde D. Lester
George S. Clay	Chas. P. Farnsley	Carl Lyttle
H. S. Cleveland	Ferd A. Gnau	D. T. Matlack

Peter P. Mattingly	Kleber F. Price	Carl M. Taylor
M. T. McCarthy	Ed F. Prichard	Gabe B. Taylor
Elmer McGlothen	Grover C. Ransom	S. J. Wagner
H. H. McGuire	Thomas Rigdon	Cass R. Walden
G. Samuel Milam	E. S. Robey	Joe L. Wall
Alton Mitchell	William T. Rollo	Henry Ward
William E. Mull	Carl Scheben	L. Roger Wells
Tyler F. Munford	Leon J. Shaikun	J. D. White
Rodes K. Myers	Parker Sims	Lee Roy Wilson
Homer Neikirk	Wm. St. C. Stuart	Terrill A. Wilson
Mel Petry	W. R. Tapp	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person or officer of the Commonwealth of Ken-

tucky or any subdivision thereof, shall institute or prosecute proceedings to escheat real property the title to which was acquired by lending corporations in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment for any such debt in its favor, where said lending corporations are under the supervision of the Division of Banking of the Commonwealth of Kentucky, Comptroller of Currency of the United States, or any other duly constituted supervising banking authorities, state or federal, without first obtaining the consent of the supervising authority having supervision over the lending corporation.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Norman A. Curtis	W. H. Hunt
J. Everett Bach	Willard Q. Daniel	Ben W. Johnson
William T. Baker	F. E. Daugherty	Clyde D. Lester
Rell Bevins	Sam Dever	Carl Lyttle
F. C. Boyd	Garland Embry	D. T. Matlack
C. P. Bradbury	Raymond Eyl	Peter P. Mattingly
C. C. Byrne	Ferd A. Gnau	M. T. McCarthy
J. F. Carr	C. A. Hale	Elmer McGlothen
George S. Clay	Ralph Hamilton	H. H. McGuire
H. S. Cleveland	C. L. Hammons	G. Samuel Milam
T. Fowler Combs	Ira W. Hulette	Alton Mitchell
John C. Cornett	John M. Hunnicut	William E. Mull

Tyler F. Munford	William T. Rollo	Cass R. Walden
Rodes K. Myers	Carl Scheben	Joe L. Wall
Homer Neikirk	Leon J. Shaikun	Henry Ward
Mel Petry	Parker Sims	L. Roger Wells
Kleber F. Price	Wm. St. C. Stuart	J. D. White
Ed. F. Prichard	W. R. Tapp	Lee Roy Wilson
Grover C. Ransom	Carl M. Taylor	Terrill A. Wilson
Thomas Rigdon	Gabe B. Taylor	James W. Young
E. S. Robey	S. J. Wagner	—62

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 210. An Act to amend and re-enact Chapter 4, of the Acts of the General Assembly of Kentucky of One Thousand nine hundred twelve, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit; 165a-23, and to declare the legislative intent of said act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, be amended by adding at the end thereof another section, being Section 165a-

23, which new section shall read as follows, to-wit: That nothing herein contained shall prevent the Banking and Securities Commissioner, at any time from entering into any litigation now pending in the Courts of this Commonwealth and filing his answer therein, consenting that said litigation proceed as if he had instituted said action as Banking and Securities Commissioner of the State of Kentucky and waving any failure to file notice or request demanding that said action be prosecuted by him.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Garland Embry	Elmer McGlothen
J. Everett Bach	Raymond Eyl	H. H. McGuire
William T. Baker	Chas. P. Farnsley	G. Samuel Milam
Rell Bevins	Ferd A. Gnau	Alton Mitchell
F. C. Boyd	C. A. Hale	William E. Mull
C. P. Bradbury	Ralph Hamilton	Tyler F. Munford
C. C. Byrne	C. L. Hammons	Rodes K. Myers
J. F. Carr	Ira W. Hulette	Homer Neikirk
George S. Clay	John M. Hunnicutt	Mel Petry
H. S. Cleveland	W. H. Hunt	Kleber F. Price
T. Fowler Combs	Ben W. Johnson	Ed F. Prichard
John C. Cornett	Clyde D. Lester	Grover C. Ransom
Norman A. Curtis	Carl Lyttle	Thomas Rigdon
Willard Q. Daniel	D. T. Matlack	E. S. Robey
F. E. Daugherty	Peter P. Mattingly	William T. Rollo
Sam Dever	M. T. McCarthy	Carl Scheben

Leon J. Shaikun	Gabe B. Taylor	L. Roger Wells
Parker Sims	S. J. Wagner	J. D. White
Wm. St. C. Stuart	Cass R. Walden	Lee Roy Wilson
W. R. Tapp	Joe L. Wall	Terrill A. Wilson
Carl M. Taylor	Henry Ward	James W. Young

—63

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, combined banks and trust companies, and trust, banking and title insurance companies organized under the laws of this State.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas National banks doing business in Kentucky cannot be subjected to a license tax by any city or municipality, it is hereby enacted that no city or municipality in the Commonwealth of Kentucky, anything in their respective charter powers to the contrary notwithstanding, shall have the power to impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this State.

All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	E. S. Robey
J. Everett Bach	S. T. Hamilton	William T. Rollo
William T. Baker	C. L. Hammons	Clarence Rush
B. F. Bedford	Ira W. Hulette	Carl Scheben
Rell Bevins	John M. Hunnicutt	Leon J. Shaikun
C. P. Bradbury	W. H. Hunt	W. S. Shanklin
C. C. Byrne	Ben W. Johnson	Parker Sims
J. F. Carr	Clyde D. Lester	Wm. St. C. Stuart
George S. Clay	Carl Lyttle	A. Frank Tabb
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
G. Cunningham	H. H. McGuire	S. J. Wagner
Norman A. Curtis	J. H. McKinney	Henry Ward
Willard Q. Daniel	G. Samuel Milam	H. L. Waterfield
F. E. Daugherty	John B. Mollette	L. Roger Wells
L. M. Davisworth	William E. Mull	R. E. West
Sam Dever	Tyler F. Munford	J. D. White
Garland Embry	Rodes K. Myers	John M. Williams
A. H. Eversole	Homer Neikirk	Lee Roy Wilson
Raymond Eyl	Mel Petry	Terrill A. Wilson
Chas. P. Farnsley	H. O. Porter	James W. Young
Ferd A. Gnau	Ed F. Prichard	
C. A. Hale	Grover C. Ransom	—70

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 102. An Act to repeal, amend and re-enact Sections one hundred sixty-five a-twelve (165a-12), five hundred ninety-three (593) and five hundred ninety-four (594) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the publication of statement of financial condition of bank, who shall sign statement, and penalty for failure to make or publish report.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections one hundred sixty-five a-twelve (165a-12), five hundred ninety-three (593) and five hundred ninety-four (594) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, be and hereby are repealed, amended and re-enacted so that, when thus re-enacted, the reading shall be as follows, to-wit:

Section one hundred sixty-five a-twelve (165a-12). Every bank shall within ten days after call made upon said institution by the Director of the Divison of Banking of the Department of Business Regulation, publish a condensed statement of its financial condition, at the close of business on the date named in said call by said Director of the Division of Banking, which call may be made by him at any time he desires, and he shall make at least two calls in each year. Said condensed statement made on a form to be furnished by the Di-

rector of the Division of Banking, shall be published in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus fund; undivided profits, less expense and taxes paid; due to other banks; individual deposits subject to check; demand certificates of deposit, time deposits; certified checks, cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report, and a copy certified to the publisher shall be sent to the Director of the Division of Banking as a part of its next succeeding report. The reports shall be signed and sworn to by the president, vice president or cashier, and signed by at least three of the directors. Any bank failing to make to the Director of the Division of Banking any of the reports required within five days after the same is due or demanded, or failing to have the same published as required, shall, for each failure, pay a penalty of two hundred dollars, to be sued for and collected by the Director of the Division of Banking, in the name of the Commonwealth, and accounted for by him.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	E. S. Robey
J. Everett Bach	S. T. Hamilton	William T. Rollo
William T. Baker	C. L. Hammons	Clarence Rush
B. F. Bedford	Ira W. Hulette	Carl Scheben
Rell Bevins	John M. Hunnicutt	Leon J. Shaikun
C. P. Bradbury	W. H. Hunt	W. S. Shanklin
C. C. Byrne	Ben W. Johnson	Parker Sims
J. F. Carr	Clyde D. Lester	Wm. St. C. Stuart
George S. Clay	Carl Lyttle	A. Frank Tabb
H. S. Cleveland	Peter P. Mattingly	W. R. Tapp
T. Fowler Combs	M. T. McCarthy	Carl M. Taylor
John C. Cornett	Elmer McGlothen	Gabe B. Taylor
G. Cunningham	H. H. McGuire	S. J. Wagner
Norman A. Curtis	J. H. McKinney	Henry Ward
Willard Q. Daniel	G. Samuel Milam	H. L. Waterfield
F. E. Daugherty	John B. Mollette	L. Roger Wells
L. M. Davisworth	William E. Mull	R. E. West
Sam Dever	Tyler F. Munford	J. D. White
Garland Embry	Rodes K. Myers	John M. Williams
A. H. Eversole	Homer Neikirk	Lee Roy Wilson
Raymond Eyl	Mel Petry	Terrill A. Wilson
Chas. P. Farnsley	H. O. Porter	James W. Young
Ferd A. Gnau	E. F. Prichard	
C. A. Hale	Grover C. Ransom	—70

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve-thirty o'clock P. M. having arrived,

that being the hour for the Special Order of the Day, to-wit: a bill entitled:

S. B. 205. An Act providing for the escheat to the Commonwealth of bank deposits, other deposits, dividends, stocks, bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and all proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All bank deposits, deposits of money, stocks, and bonds made to secure payment for services rendered, loans made, and against possible damage or harm, dividends, stocks, bonds, and all moneys, credits, and claims for moneys and credits, and all intangible personal property whatsoever held within this Commonwealth by any corporation, company, partnership, agency or person, whether as bailee, trustee, receiver, executor, or administrator, the last known owner of which is not known to be living, and has not been heard of for eight years, and no account can be given of said owner, his heirs, devisees, or distributees, such person shall be presumed to have died without heirs, devisees or distributees and the said property shall vest in the Commonwealth of Kentucky, and shall be delivered or paid to the Department of Revenue, or if not so paid or delivered may be recovered by the Commonwealth by an action in equity.

§ 2. The Department of Revenue is hereby authorized to require state and national banks, corporations, companies, partnerships, agencies, and persons in this Commonwealth to make reports of all property held by them, whether as bailee, trustee, executor, administrator, or receiver, the last known owner of which is not known to be living and has not been heard of for a period of five years or more, and who is not

known to have relatives who would be his heirs or distributees if such owner were dead and, the last known address of such owner.

The Department of Revenue, through the Commissioner, agents and employees thereof, is also authorized to examine all records of such state and national banks, corporations, companies, partnerships, agencies, and persons where there is reason to believe that there has been or is a failure to report property which should be reported under the provisions of this act.

For each failure to make a report or to permit an examination of records as is provided in this section a penalty of one hundred dollars is hereby imposed, and the same shall be recoverable by appropriate action instituted by the Commissioner of Revenue in the name of the Commonwealth.

§ 3. A corporation, company, partnership, agency, or person who shall transfer to the Department of Revenue of the Commonwealth of Kentucky, property to which the Commonwealth of Kentucky is entitled under the provisions of section one of this act is hereby relieved of any liability to the rightful owner of such properity for such transfer.

Provided that if any corporation, company, partnership, agency or person cannot be relieved of liability by the provisions of this section, the Commonwealth of Kentucky shall reimburse such corporation, company, partnership, agency or person for liability to the rightful owner of property incurred by reason of compliance with the provisions of section 1 of this Act. Claims for such reimbursement shall be filed with the Commissioner of Revenue, who may, with the written consent of the Attorney General, approve such claim and certify same for payment in the same manner that other claims against the Commonwealth are paid.

§ 4. All suits to enforce the transfer of property under the provisions of section one of this act shall be instituted by

the Attorney General of the Commonwealth of Kentucky on relation of the Commissioner of Revenue.

§ 5. All property received by the Department of Revenue under the provisions of section one of this act shall be deposited in the State Treasury to be he held in trust for the rightful owner or owners thereof. All stocks, bonds, and other such evidences of indebtedness shall be delivered by the Treasurer to the Commissioner of Revenue and shall be sold by the Commissioner of Revenue, at public sale in Frankfort, to the highest responsible bidder. The sale shall be advertised in at least one issue of a newspaper published in the state, having a state-wide circulation, said notice to appear at least seven days before the date fixed for the sale. After deducting the cost of advertising of the sale, the balance of the proceeds shall be paid into the State Treasury and credited to the general expenditure fund.

§ 6. After the receipt of property by the Department of Revenue any claimant or claimants of the property may file his or their claim before the Commissioner of Revenue. Said claim shall be in writing and shall state the facts on which the same is based and affidavits of responsible persons in support thereof. The Commissioner of Revenue may, with the written consent of the Attorney General, approve such claim and certify same for payment in the same manner that other claims against the Commonwealth are paid.

§ 7. A claimant, whose claim has been rejected by the Department of Revenue, may file suit in the Franklin Quarterly Court of the Franklin Circuit Court against the Commonwealth of Kentucky, through its agent, the Commissioner of Revenue, for the payment of money or the return of property claimed. The suit shall be governed by the rules governing ordinary suits for claims for money or for the return of property in the respective courts and upon a final judgment for the payment of money or the return of the property, the appropriate official shall draw his warrant on the

Treasurer for the payment of the money or the return of property.

§ 8. All moneys, and the proceeds from the sale of all property, which have escheated to the State, whether under the provisions of this act or any other act relating to the escheat of property, shall be paid into the Treasury of the Commonwealth of Kentucky, and credited to the general expenditure fund.

Mr. Munford offered the following amendment to said bill, viz:

Amend S. B. 205 on page 2, Section 2, line 9 by striking out lines 9 to 14 inclusive.

Mr. Wells offered the following amendment to the amendment as offered by Mr. Munford, viz:

Amend S. B. 205, Sec. 2 by striking out lines 9m 10, 11, 12, 13, 14 and inserting in lieu thereof the following:

"Such reports shall be signed and sworn to, by at least two of the executive officers if made by a Corporation, and if any Corporation, company, partnership, agency or person shall fail to make such report within thirty days after the same is due or demanded, the Department of Revenue, through the Commissioner, agents and employees thereof, is authorized to examine all records of such State and National Banks, Corporations, Companies, Partnerships, Agencies and persons. If the Commissioner of Revenue shall have reasons to believe that there has been or is a failure to report property which should hav been reported under the provisions of this Act, he shall apply to the Court of Competent Jurisdiction to require the records of such Corporations, Companies, Partnerships, Agencies and persons to be presented for his examination."

And by striking out that part of line 15 after the word "report" and that part of line 16 "ords"

Said amendment to the amendment as offered by Mr. Munford was disagreed to.

Without objection the amendment as offered by Mr. Munford was then withdrawn.

Mr. Clay offered the following amendments to said bill, viz:

Amend S. B. 205 on page 4, Section 7, line 2 and 3 by striking out the words "of the Franklin Circuit Court" and inserting in lieu thereof a comma and the words "Franklin Circuit Court or court of competent jurisdiction in the county where the money was deposited."

Amend S. B. 205 on page 3, Section 5, line 8 and 9 by striking out the words "in the state, having a statewide circulation" and inserting in lieu thereof the words "in the county where the money was on deposit"

Said amendments were each agreed to.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	Kleber F. Price
William T. Baker	Ralph Hamilton	Hobart Rayburn
B. F. Bedford	S. T. Hamilton	E. S. Robey
F. C. Boyd	C. L. Hammons	Joe E. Robinson
C. P. Bradbury	Ira W. Hulette	John C. Robinson
C. C. Byrne	W. H. Hunt	William T. Rollo
J. F. Carr	Clyde D. Lester	Carl Scheben
H. S. Cleveland	Carl Lyttle	W. S. Shanklin
T. Fowler Combs	D. T. Matlack	Parker Sims
Herbert Cook	Peter P. Mattingly	W. R. Tapp
John C. Cornett	C. C. May	Carl M. Taylor
G. Cunningham	M. T. McCarthy	L. Roger Wells
Willard Q. Daniel	J. H. McKinney	J. D. White
F. E. Daugherty	Alton Mitchell	John M. Williams
L. M. Davisworth	Stanley C. Moebus	W. G. Williams
Sam Dever	Rodes K. Myers	James W. Young
Garland Embry	Henry Plum	
Ferd A. Gnau	H. O. Porter	—52

Those who voted in the negative were—

Rell Bevins	William E. Mull	Erna E. Tyra
George S. Clay	Tyler F. Munford	S. J. Wagner
Norman A. Curtis	Alfred A. Naff	Cass R. Walden
A. H. Eversole	Mel Petry	Joe L. Wall
Raymond Eyl	Ed F. Prichard	H. L. Waterfield
Chas. P. Farnsley	Grover C. Ransom	R. E. West
John M. Hunnicutt	Hubert H. Read	Lee Roy Wilson
William K. King	Clarence Rush	Terrill A. Wilson
H. H. McGuire	Leon J. Shaikun	
John B. Mollette	A. Frank Tabb	—28

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 385. An Act to provide for the purgation of registration lists before the August 1938, primary election etc.

With an amendment thereto by way of Substitute therefor, as proposed and adopted by the Senate.

(For bill see House Journal of February 16)

Said Substitute as proposed and adopted by the Senate is as follows, viz:

H. B. 385. An Act relating to primary and general elections and providing for a State-wide purgation of the registration lists of voters in the Commonwealth of Kentucky and providing for a State-wide registration and purgation board, and creating a county registration and purgation board for each of the counties in the Commonwealth of Kentucky, and prescribing their duties, and term of office, and providing for salaries and expenses of said boards and employees, and repealing, amending and re-enacting section 1486bb-13, Carroll's Kentucky Statutes, 1936 Edition, and repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This Act may be cited and referred to as the General Registration and Purgation Act.

The word "voter" whenever used in this Act shall include all names contained in any registration list whether said voter shall be an illegal or legal voter and regardless of whether said voter shall be man or woman.

§ 2. *State Board of Registration and Purgation.* There is hereby created the State Board of Registration and Purga-

tion which Board shall consist of three members who shall be the same members now or may hereafter compose the State Board of Election Commissioners. The members of said Board shall take an oath of office to faithfully discharge the duties imposed upon them by this Act and by other laws of this state and shall execute bond for the faithful performance of their duties as herein set out, and as otherwise provided by law, in the penal sum of one thousand dollars.

§ 3. *Duties of the Board.* It shall be the duty of the Board of Registration and Purgation to supervise the registration and purgation under the general registration act, being Chapter 45 of the Acts of the General Assembly of 1936, and to perform such other duties as are herein imposed upon the said Board in regard to the registration and purgation of the registration lists in cities of the first class under the Model Registration Act for cities of the first class, being Chapter 48 of the Acts of the General Assembly of 1930 and codified as sections 1486b-28 to 1486b-61, Carroll's Kentucky Statutes, 1936 Edition, and to see that each county in the Commonwealth of Kentucky and each city of the first class has complied with the provisions of the General Registration Act and the Model Registration Act and to ascertain if the registration boards and the County Court Clerks as provided for in each of the said above registration acts have all the necessary registration equipment to properly register the voters in each of the counties of this State and in the cities of the first class in this State, and the said Board of Registration and Purgation is hereby empowered to adopt such rules and regulations as may be necessary to properly carry out the provisions of the said General Registration Act and the Model Registration Act and it shall further be the duty of the said Board of Registration and Purgation to appoint a County Board of Registration and Purgation for each of the counties of the Commonwealth of Kentucky whose duties are hereafter set out.

§ 4. *Purchase of Equipment and Employment of Necessary Help.* The said State Board of Registration and Purga-

tion as herein provided for is empowered and authorized to purchase necessary supplies and equipment as may be required and necessary to carry out the provisions of this Act and they are further empowered and authorized to employ a clerk at a salary not to exceed eighteen hundred dollars per annum, payable in monthly installments, and it shall be the duty of the clerk to keep the office of the State Board of Registration and Purgation open at all reasonable times and any person or political party who has any complaint to lodge with the said State Board of Registration and Purgation may do so by delivering said complaint in writing to the Clerk of said Board of Registration and Purgation and it shall be the duty of the clerk to immediately notify the chairman of said Board of the said complaint and the State Board shall consider and dispose of said complaint at its next meeting.

§ 5. *Suits and Appeals.* The State Board of Registration and Purgation as provided for herein may be sued in the Franklin Circuit Court and any decision rendered by the State Board of Registration and Purgation may be appealed to the Franklin Circuit Court in the manner now provided for appeals from quarterly courts to circuit courts and may be tried de novo.

§ 6. *Salaries of Members of the State Board of Registration and Purgation.* The members of the State Board of Registration and Purgation as herein provided for shall be paid for their services as provided for under this Act (in addition to the fees and expenses allowed them as members of the State Election Commission) the sum of five dollars per day while in session performing the duties imposed upon them under the provisions of this Act, provided that no member of the State Board of Registration and Purgation shall be paid more than one hundred dollars for his services in any year. The compensation provided for herein shall be paid out of the general fund when requisition therefor is signed by the chairman of the said Board and approved by the Director of Finance.

§ 7. *Term of Office.* The members of the State Board of Registration and Purgation who shall be the same members as now compose the State Board of Election Commissioners shall serve as members of the said board during the term of their office as members of the State Board of Election Commissioners and their successors as members of the State Board of Election Commissioners shall serve as members of the State Board of Registration and Purgation and shall serve for the same term as provided by law for the term of members of the State Board of Election Commissioners.

§ 8. *Appropriation.* There is hereby appropriated out of the general fund a sufficient amount to pay for the supplies, clerk hire, compensation and expenses of the State Board of Registration and Purgation as herein provided for and the Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky when the requisition is made therefor as provided for by law.

§ 9. *County Board of Registration and Purgation.* There is hereby created a County Board of Registration and Purgation of each County of the Commonwealth. Said County Board of Registration and Purgation shall be appointed by the State Board of Registration and Purgation as provided for herein. The members of said County Board of Registration and Purgation shall be appointed within twenty days after the effective date of this Act in the year 1938 and shall serve for a term expiring December 31, 1938, and on January 1, 1939, and every year thereafter the State Board of Registration and Purgation shall appoint the County Board of Registration and Purgation for each of the counties of the Commonwealth in the same manner. The County Board of Registration and Purgation shall consist of three members, one of whom shall be chosen from each of the two dominant political parties now having representation upon the State Board of Election Commissioners and one of whom shall be another citizen of the county to be selected by the State Board of Registration and Purgation. Each of said members shall

be at least twenty-one years of age and shall reside in the county of his appointment and shall possess all of the qualifications of a legal voter, and the State Board of Registration and Purgation may remove any member of the County Board of Registration and Purgation for any cause in its discretion.

§ 10. *Duties of the County Board of Registration and Purgation.* The County Board of Registration and Purgation as provided for herein, when appointed by the State Board of Registration and Purgation, shall receive a certificate of appointment signed by the Chairman and attested by the secretary of said Board, and said certificate of appointment shall be presented by the members of the County Board of Registration and Purgation to the County Court Clerk of the County of their appointment and the said County Court Clerk shall administer the oath of office to said members and each of said members shall execute a bond in the sum of one thousand dollars for the faithful performance of his duty as member of the County Board of Registration and Purgation.

The members of the County Board of Registration and Purgation, when so appointed and qualified, shall meet and select one of their members as chairman of said Board and one of their members as secretary of said Board. Provided, however, that the chairman and secretary shall not belong to the same party of the two dominant political parties now having representation upon the State Board of Election Commissioners. The chairman of said Board shall preside over all meetings of said Board. The County Board of Registration and Purgation shall hold all of its meetings at the Court House in the County of their appointment unless it is necessary that they hold meetings at some other point or place within the county, but no meeting shall be held at any other point or place in the county unless the persons affected by said meeting shall receive a notice in writing showing the time and place of said meeting.

It shall be the duty of the County Board of Registration and Purgation to administer the registration and purgation

of registration lists of voters as provided for in Chapter 45 of the Acts of the General Assembly of 1936, known as the General Registration Act and the County Board of Registration and Purgation may adopt such reasonable rules and regulations as may be necessary for the proper conduct of their office and in the discharge of the duties imposed upon them by this Act or as may be contained in the Act of the General Assembly of 1936, Chapter 45, known as the General Registration Act, provided however, that no rule or regulation may be adopted by the County Board of Registration and Purgation until it has been submitted in writing to the State Board of Registration and Purgation and approved by the said State Board.

It shall further be the duty of the County Board of Registration and Purgation to examine the registration lists and registration books in the County Court Clerk's office, and in the office of the Board of the Registration Commissioners of cities of the first class, as often as they may deem advisable and it shall be their express duty to examine the registration books after the closing date of the said books for registration and before any general, special or primary election, for the purpose of removing from said registration lists or books the names of persons who have since the date of their registration, died, moved or otherwise become disqualified to vote and if the said County Board of Registration and Purgation shall, upon investigation, have reasonable grounds to believe that there are names upon the registration lists or purgation books when the persons bearing such names have died, moved or otherwise become disqualified to participate in any special, general, or primary election, said Board shall prepare a list of such names, but no name of any voter shall be stricken or purged from the registration lists or registration books by the County Board of Registration and Purgation until the Board has given the voter who is challenged an opportunity to be heard. When the Board has challenged the registration of any voter, it shall immediately notify the voter in writing at

his place of residence shown upon the registration list that his right to vote in any general, special or primary election has been challenged and that his or her name must be stricken from the registration list unless the voter shall appear before the said Board and show cause within five days why his or her name should not be stricken from the registration lists, and if said voter shall appear and desire to be heard upon the said challenge, the said Board shall hear and determine whether or not the name of the voter should remain upon the registration lists or upon the registration books. If the Board should determine that the voter is properly and legally registered, his or her name shall remain upon the said registration lists or upon the registration books. If after a hearing the said Board determines that the name of said voter is illegally or improperly upon the registration lists or registration books, it shall enter an order directing the County Court Clerk to strike the name of the voter from said registration lists. If after the service of notice upon the voter, he or she fails to appear before the Board as herein provided, and contest the challenge, it shall be prima facie evidence that his or her name illegally or improperly appears upon the registration lists and the Board without further hearing shall strike his or her name from the registration lists. The notice provided for herein may be served by any officer who may be authorized to serve process from any Court as is now provided by law or may be served by special process servers selected by the Board in the manner herein provided.

§ 11. *Compensation of County Board.* No member of the County Board of Registration and Purgation as provided for herein shall receive any compensation for his service except in counties containing cities of the first class. In the counties which do not have a city of the first class, the County Board of Registration and Purgation shall meet not exceeding fifteen days before any primary and not exceeding fifteen days before any General Election. In counties having a city of the first class the County Board of Registration and Purgation

may meet at any time that may be necessary to perform the duties herein imposed upon them but they shall remain in session for the purpose of hearing challenges continuously from the date that the registration books shall be closed before any Primary or General Election and for their services they shall be paid the sum of Twelve Hundred ($1,200.00) Dollars each per annum to be paid by the Fiscal Court of the county of their appointment in monthly installments.

The County Board of Registration and Purgation as provided for under this Act may employ such clerical, stenographic and other help as they may deem necessary to carry out the provisions of this Act and may purchase such supplies and equipment as they may deem necessary and such clerical help so employed and supplies and equipment so purchased by the said County Board shall be paid for by the Fiscal Court of the county when the costs of such help, supplies and equipment has been certified to the Fiscal Court of the county by the Chairman and Secretary of said Board. Provided, however, that no bill for clerical, stenographic or other help or for the purchase of supplies and equipment shall be allowed and paid by the Fiscal Court of any county unless accompanied by an affidavit from the Chairman and Secretary of the County Board of Registration and Purgation that such employment of such clerical, stenographic or other help and the purchase of such supplies and equipment was necessary in the discharge of the duties of the Board and that the amount allowed or expended for such help, supplies and equipment was in his opinion reasonable, and it is further provided that the County Board of Registration and Purgation shall employ the purgation officers provided for herein. Purgation officers shall serve without compensation except in counties having cities of the first class, in which counties said purgation officers shall receive compensation not to exceed ($5.00) five dollars per purgation officer per day. The compensation of purgation officers for the county containing a city of the first class shall be paid by the Fiscal Court of the county of their appointment,

and the amount due said purgation officers shall be certified to the Fiscal Court by the Chairman of the County Board of Registration and Purgation as provided for in this Act for other help employed by such Board.

And it is further provided that the process servers of notice as provided for herein may be employed by the County Board of Registration and Purgation for the service of said notices. The process officers so employed shall be paid the fees as now provided for by law for payment to officers for the service of notices and the fees of said process officers, or any other officers serving said notices, shall be paid by the Fiscal Courts of the county, when the amount due such officer or process server shall have been certified to the Fiscal Court of said county by the Chairman and Secretary of the Board as is provided for in this Act for the payment of other expenses of said Board.

§ 12. *Purgation of Registration Lists in Cities of First Class in Primary Elections.* In counties having cities of the first class, the purgation of the registration lists in said cities in addition to the purgation now provided for by law, shall be conducted in the following manner:

It shall be the duty of the County Board of Registration and Purgation to cause a purging and correcting of the registration lists and records for party primaries upon the request in writing of the County Executive Committee of either of the two dominant political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in any primary and said purging and correcting of the records shall be conducted as follows:

It shall be the duty of said County Board of Registration and Purgation in connection with the Board of Registration Commissioners of the city of the first class to cause to be made a house to house canvass in each precinct of said city in each year in such precincts requested as herein provided. Said canvass shall be made jointly by two investigators in each

precinct. Said two investigators shall be appointed by the County Board of Registration and Purgation. One of such investigators shall be selected from each of the two dominant political parties having representation upon the State Board of Election Commissioners. Said investigators hall be appointed by the County Board of Registration and Purgation ten days in advance of the date specified by the County Board for the commencement of the canvass in said precincts. The County Board of Registration and Purgation shall have the right in its discretion to remove any investigators and to appoint substitutes therefor. Said canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The Board of Registration Commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct in which he is to investigate, arranged in convenient order to facilitate investigation. The investigators appointed as herein provided for each precinct shall make a written report to the Board of Registration Commissioners not later than the last day of the two-week period provided for herein to make said canvass, giving the names and addresses of all persons properly registered in said precinct who are legally entitled to vote in the primary election to be held in such year. When the reports of the investigators in any precinct agree that any person registered in said precinct is not legally entitled to vote at the election to be held in such year, the County Board of Registration and Purgation shall cause the Board of Registration Commissioners of the city of the first class to remove, transfer or cancel such registration as the case may be, so as to make said record correspond with the report made by said investigators and correct same to date of said report, provided, however, that no such change shall be made until after notice shall have been mailed to the person affected, said notice to be mailed by the Board of Registration Commissioners of the city of the first class to the address appearing upon the registration record on file

in the office of the Board of Registration Commissioners in the said city of the first class, stating that it is the intention of the County Board of the Registration and Purgation and the Board of Registration Commissioners for the city of the first class to change, transfer or cancel his registration unless protest is filed within five days in the office of the Board of Registration Commissioners for the city of the first class, and in the event protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard at a joint hearing of the County Board of Registration and Purgation and the Board of Registration of said city of the first class, at which hearing the right of the protestant to vote shall be determined by the Board of Registration Commissioners of the City of the first class and the County Board of Registration and Purgation. In the event of a disagreement upon said question or any question connected therewith between the County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class, the decision shall be rendered by the County Board of Registration and Purgation and the decision of said County Board of Registration and Purgation shall prevail. The investigators herein provided for shall be paid for their services by the Fiscal Court of the county of their appointment when the amount due is certified by the Chairman of the County Board of Registration and Purgation as is provided for in this Act for the payment of other help and expenses etc. of said Board. However, no investigator shall be paid more than three ($3.00) dollars per precinct for his services.

(a) Any citizen of a city of the first class shall have the right to challenge the registration of any voter registered as herein provided for. Such challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge and shall be filed not later than five weeks prior to the primary election at the office of the Board of Registration Commissioners for the city of the first class

and the County Board of Registration and Purgation and the said Board of Registration Commissioners for the city of the first class shall conduct a joint hearing thereon at such time as they may fix after notice has been served as provided for by law and as provided for in this Act. The County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class shall hold a hearing upon such challenges and shall decide the right of the challenged voter to vote in any primary, election to be held in said city and county and in the event of a disagreement between the County Board of Registration and Purgation and the Board of Registration Commissioners of the city of the first class, the decision of the County Board of Registration and Purgation shall prevail. The failure of any challenged voter against whom notice of challenge shall be served as is now provided for by law or as provided for herein, to appear, shall be prima facie evidence that he is not entitled to register or vote in any such primary election and his registration record shall be cancelled, transferred or suspended as the case may be.

§ 13. *Duty of the Board of Registration Commissioners of the City of the First Class to Permit County Board of Registration and Purgation to Copy Registration Records.* It shall be the duty of the Board of Registration Commissioners in the cities of the first class to permit the County Board of Registration and Purgation to copy all or any of the registration records of the said Board of Registration Commissioners of the city of the first class and it shall be the duty of the Board of Registration Commissioners of the City of the First Class to furnish to the County Board of Registration and Purgation a copy of all additional registrations after the effective date of this Act at the time that the said Board of Registration Commissioners for the City of the first class now furnishes copies to each of the city and county executive committees.

(a) It shall be the duty of each County Court Clerk of

the Commonwealth of Kentucky to immediately prepare after the closing of the registration books as provided for by law and as provided for herein, a list of all registered voters in each precinct in said county in quadruplicate as shown by the said Clerk's registration books and furnish one correct copy thereof to the County Board of Registration and Purgation without cost or fee to the said Board. After the County Board of Registration and Purgation has completed its purgation of said registration lists, said County Board shall notify the County Court Clerk of all names purged therefrom and he shall strike said names from the quadruple lists prepared by him and after said list has been corrected striking therefrom all names of voters purged from said list by the County Board of Registration and Purgation, such corrected list shall be the list furnished to the precinct election officers and other persons as now provided for by law.

§ 14. *Time for Closing Registration Books.* Any person possessing the qualifications for registration as a legal voter as now provided for by law may appear before the County Court Clerk of any county of his residence or before the Board of Registration Commissioners of any city of the first class in which the voter may reside and register, or change his party affiliation, as the case may be, provided, however, that said voter shall appear before the said Clerk or the Board of Registration Commissioners of any city of the first class at an hour of any day which the office of the County Court Clerk of any county or the office of the Board of Registration Commissioners of any city of the first class may be open for business and at such time register, or change his registration, or party affiliation, as the case may be, except, however, the County Court Clerk of any county in the State and the Board of Registration Commissioners of any city of the first class shall cause all registration books or lists to be closed fifty-nine day prior to any primary or general election and no voter shall be registered or change, or be permitted to change, his registration during the period that said books

shall remain closed. The County Court Clerk of each county of the Commonwealth of Kentucky and the Board of Registration Commissioners of any city of the first class in this Commonwealth shall not again re-open their books for registration of voters or the re-registering or changing of party affiliation of said voters until ten days after any primary or general election.

§ 15. Section 1486bb-13 Carroll's Kentucky Statutes, 1936 Edition, be and the same is hereby repealed, amended and re-enacted so when re-enacted said section shall read as follows:

Whenever the County Executive Committee of any political party having representation on the State Board of Election Commissioners shall make application to the County Board of Registration and Purgation, provided said application is made between the fifth day of September and the fifteenth day of October in any year preceding a general election, the County Board of Registration and Purgation as herein provided for, shall appoint two purgation officers, one from each of the two dominant political parties having representation upon the State Board of Election Commissioners who shall be selected from a list of names submitted to said board by the County Executive Committee of each of such political parties, for any and all precincts, except precincts in cities of the first class, wherein the committee has named any voter whose name should be purged from the list of registered voters and it shall be the duty of said officers to purge the registration lists in any or all precincts named in said application, and the officers so appointed by the County Board of Registration and Purgation as such officers need not reside in such precinct so purged. The County Executive Committee of either of such parties desiring to purge the list of any precinct, other than precincts in cities of the first class, shall file a written request with the County Board of Registration and Purgation as here-

provided. Such request shall contain the names of each voter appearing upon the registration lists who is to be challenged or removed from said list and the grounds upon which said challenge is founded and the reasons why said name should be stricken from the list of voters. Whenever any candidte or group of candidates in any primary election desires to purge the registration lists of any name or registered voter in any precinct outside of cities of the first class, said candidate or group of candidates shall file with the County Board of Registration and Purgation as herein provided, a written request between the fifth day of June and the tenth day of July, setting out in said request the name and address of each voter whose right to vote in any primary election is challenged and the grounds and reasons for which said voter is challenged and the reason why his name should be stricken from the list of registration of voters in said precinct. It shall be the duty of the County Board of Registration and Purgation within three days after the last day for filing such request as above provided for to appoint purgation officers for said precincts in the same manner as provided for the appointment of purgation officers herein for said elections, except that the County Board of Registration and Purgation may appoint purgation officers in any primary election from the citizens and voters of the county without regard to their party affiliation.

The list of challenged voters in either the general or primary election shall be turned over to the two purgation officers as herein provided, who shall be sworn to faithfully discharge their duties as such and they shall meet in the precinct for which they are to act at some convenient place designated and provided by the Sheriff of said county. Said purgation officers shall have the power to summons and swear witnesses and shall conduct a hearing in the precinct at such time as they may fix. Each voter who shall be challenged, unless upon the investigation the purgation officers shall agree that

the challenge is unfounded and the voter lawfully registered, shall be notified of the time and place of the meeting at which the challenge against him shall be heard, such notice to be in writing and served upon the challenged voter either by delivering or offering to deliver a copy of said notice to him in person or if said voter cannot be found at his place of residence shown on the registration records, by leaving a copy thereof with any person over the age of sixteen residing in the same family with said voter or if no such person be there, by affixing a copy of such notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to the purgation officers with an indorsement thereon stating when and how it was served and if a copy was not delivered to the person to whom it was directed, the indorsement must state the facts authorizing the method of service adoped, if the person serving the notice be an officer, his indorsement must show his official position; if he be not an officer, he must make an affidavit that his indorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such indorsement of an officer, or such indorsement and affidavit of one who is not an officer, shall be proof of service.

After investigation and hearing such evidence as may be presented, the purgation officers shall determine whether the voter is properly and legally registered; such hearing shall be conducted in a summary manner and the officers, in their discretion, may reasonably limit the number of witnesses testifying for either party. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be cancelled by them. The failure of any voter against whom a notice of challenge has been served as provided herein to appear at such hearing shall be prima facie evidence that he is not entitled to registration, and his registration record shall be cancelled. Appeals from the action of the purgation officers may be taken in the manner

hereinafter provided. If they find that he is legally and properly registered, nothing further shall be done with his name. The County Court Clerk shall turn the "copy" registration record of the precinct over to such purgation officers when they are to hold their meetings, taking their receipt therefor, and upon the conclusion of their meetings, the purgation officers shall return such registration record to the County Court Clerk and take his receipt therefor. In the event the purgation officers disagree as to whether the registration of any person should be cancelled, they or either of them shall reduce to writing the facts as developed and certify such statement of facts to the County Board of Registration and Purgation, and the said Board shall at once hear the cause of such challenged voter and summarily decide the question, and shall reduce their decision to writing, and the decision shall be signed by the chairman of the Board, attested by the secretary of the Board, and the written decision shall then be delivered to the County Court Clerk. The County Court Clerk upon receipt of such decision from the Registration and Purgation Board shall immediately issue a notice to the challenged voter showing the action of the Registration and Purgation Board in his case, and if the County Board of Registration and Purgation shall decide against the voter the County Clerk shall at once remove his name from the registration lists or registration books and the voter shall not be entitled to vote until such time as he may be properly and legally registered. If, however, the County Board of Registration and Purgation should find that the voter is legally and properly registered, the County Court Clerk shall leave his name in the list of registration or registration book and nothing further shall be necessary to permit the said voter to cast his vote in any election unless he shall be thereafter challenged. The notice to the voter that his registration has been challenged as provided for herein may be served by the persons named herein and, in addition thereto, if the Board deems it necessary, the Board may

employ other persons who possess the qualifications of a legal voter to assist in the serving of said notices, and for their services they may be paid as provided herein. Any voter whose right to vote has been challenged by the purgation officers or the Board of Registration and Purgation as provided for herein may appeal from such decision directly to the County Judge or to any Circuit Judge in the county, provided said appeal is perfected within the time provided for in this Act.

§ 16. *Time of Appeal.* Any voter whose right to vote has been denied or whose name has been stricken from the registration lists or registration books by any purgation officer or officers as provided for herein or by the County Board of Registration and Purgation or by the Board of Registration Commissioners of any city of the first class, as provided for herein, or as otherwise provided for by law, shall perfect his appeal to the County Judge or to any Circuit Judge as is provided for herein or as may be now provided for by law five days prior to any primary, special or general election, and if the appeal be not perfected five days before any such primary, general or special election, no County Judge or Circuit Judge in this Commonwealth shall have jurisdiction to hear said appeal. Provided, further, that no decision of any such purgation officer or County Board of Registration and Purgation or Board of Registration Commissioners for any city of the first class affecting the right of the voter to vote in any primary, general or special election or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or Board later than eight days before any election.

§ 17. *Suspended Lists.* If the County Board of Registration and Purgation or any Board of Registration Commissioners in any city of the first class shall find that there are names upon the registration lists or registration books who are properly and legally registered but further find that any of said voters are not entitled to vote in the next primary, general or special election, they shall not cancel said registra-

tion but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that said names shall not be sent to the precincts on election day for said coming election in which the said voters are not qualified to participate. The registration officers shall place said registration cards in some secure place to be held and identified as suspended lists of registered voters and the names of said voters shall not be replaced in the registration lists or registration books by the registration officers until such time as said voters may be eligible to vote and such voters will not be required to re-register.

§ 18. *Severance Clause.* It is hereby declared to be the legislative intent that each and every paragraph and section of this Act shall be severable and that the Legislature would have enacted each and every paragraph of same separately and in the event it should be adjudged that any paragraph or section hereof should be unconstitutional or void, said decision shall in no wise affect such paragraph, sections or parts hereof which were not attacked or adjudged unconstitutional, and all remaining sections shall be enforced as if they had been enacted separately.

§ 18-A. *Failure to perform duty; penalty.* Any person who shall wilfully fail to perform any of his duties set forth in this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten dollars, nor more than $100.00 dollars, for each offense.

§ 18-B. Nothing contained in this Act shall in any manner affect, change or alter the qualifications of any voter in any election held in this state.

§ 19. All laws in conflict herewith are hereby expressly repealed.

§ 20. *Emergency Clause.* Whereas, there are a large number of persons registered throughout the State under the present registration laws, and there are a large number of voters whose names appear in the registration lists who are

not entitled to vote in any primary, general or special election, and whose names should be removed from the registration lists, and

WHEREAS, there is now fast approaching a primary election and in order to have an honest election and to provide means whereby any such voters as are entitled to vote will be permitted to vote, and

WHEREAS, it is necessary to create and provide an effective purgation of the registration lists throughout the entire State and in order to have said registration lists purged in time for the coming primary election or any special election that may be held in the State, an emergency is hereby declared to exist and this act shall become effective immediately after its passage and approval by the Governor.

Mr. Hunnicutt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. C. Byrne	F. E. Daugherty
William T. Baker	H. S. Cleveland	L. M. Davisworth
B. F. Bedford	T. Fowler Combs	Sam Dever
Rell Bevins	Herbert Cook	Forest C. Easley
F. C. Boyd	G. Cunningham	Garland Embry
C. P. Bradbury	Willard Q. Daniel	Raymond Eyl

Ferd A. Gnau	Stanley C. Moebus	Parker Sims
C. A. Hale	Rodes K. Myers	Wm. St. C. Stuart
Ralph Hamilton	Luster C. Oxley	W. R. Tapp
S. T. Hamilton	Henry Plum	Carl M. Taylor
Ira W. Hulette	H. O. Porter	Gabe B. Taylor
John M. Hunnicutt	Kleber F. Price	S. J. Wagner
W. H. Hunt	Ed F. Prichard	Cass R. Walden
Ben W. Johnson	Hobart Rayburn	Joe L. Wall
Clyde D. Lester	Thomas Rigdon	L. Roger Wells
Carl Lyttle	Joe E. Robinson	R. E. West
John Marshall	John C. Robinson	J. D. White
Peter P. Mattingly	William T. Rollo	John M. Williams
C. C. May	E. A. Rose	W. G. Williams
M. T. McCarthy	Carl Scheben	James W. Young
Elmer McGlothen	W. S. Shanklin	Mr. Speaker

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Those who voted in the negative were—

J. Everett Bach	H. H. McGuire	Hubert H. Read
J. F. Carr	J. H. McKinney	Clarence Rush
George S. Clay	Alton Mitchell	Leon J. Shaikun
John C. Cornett	John B. Mollette	A. Frank Tabb
Norman A. Curtis	William E. Mull	Erna E. Tyra
A. H. Eversole	Tyler F. Munford	Henry Ward
Chas. P. Farnsley	Alfred A. Naff	H. L. Waterfield
C. L. Hammons	Homer Neikirk	Lee Roy Wilson
William K. King	Mel Petry	Terrill A. Wilson
T. B. McConnell	Grover C. Ransom	

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Resolved that the title thereof be as amended.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Daugherty moved that Marshall Harlan Farmer, son of Senator Farmer, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Milam moved that the Clerk of this House be directed to have printed for the use of the members of the House, 1000 additional copies each of H. B. 385, known as the Purgation Bill and H. B. 129, known as the Alcoholic Control Act.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 307. An Act to amend an Act entitled: An Act for the Government of Cities of the First class in the Commonwealth" etc.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 11)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 307 on page 2, section 2, line 19, by striking therefrom the entire line 19, beginning with the word "thereon" and ending with the word "of ————?"

and inserting in lieu thereof the following: "thereon the question: 'Are you in favor of being annexed to the City of ————?' "

Said amendment was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
G. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed a resolution which originated in the Senate, as follows, viz:

S. Res. 68. Whereas, the Governor in his veto message requests that the Legislature undertake to correct the errors which he points out in his veto message on H. B. 250, and

Whereas, the real purpose of the bill was to authorize the enrollment of bills either by typing or printing, and

Whereas, neither of the two objections which the Governor offered to the bill pertain to the method of enrolling, and

Whereas, the Attorney General has rendered a written opinion to the effect that neither the constitution of the statutes deal with the method of enrolling bills and that the use of typing in enrolling would be legal and constitutional, and

Whereas, the method of enrolling by handwriting is only a custom which began before the time when typewriters were used, and

Whereas, a great number of bills must be enrolled so rapidly within the next few hours that neither enrolling nor proof reading can be done with accuracy if the handwriting method is employed, and

Whereas, arrangements have already been made for enrolling by typing and printing on safety paper, and

Whereas, the printed copy on safety paper will make further enrolling of all bills not amended in the second House unnecessary, thereby giving the time for accurate enrolling and proof reading of all bills during the time when so many bills must be enrolled near the end of the session, therefore,

Be It Resolved by the Senate, the House of Representatives concurring therein, That the Enrolling Clerks of the House and of the Senate may enroll bills and resolutions by typing or printing upon safety paper which bears the signature of the Enrolling Clerk upon each page.

Said resolution was then concurred in.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 83. Resolution, authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, one Hoyt Hedges was employed as a laborer

by Fayette County in said County's quarry and while in the course of his employment and in the performance of the duties on or about the 25th day of October, 1937, fell through the floor in the loading platform at said quarry, and,

WHEREAS, said quarry is owned, operated and maintained by Fayette County and the Fiscal Court of Fayette County and as a direct result of injuries received in said fall, the said Hoyt Hedges died thereafter on December 13, 1937;

NOW, in order to determine by judicial action the question of the negligence of said County and its fiscal court and its employees in the premises;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of said Hoyt Hedges be, and he is, hereby empowered and authorized to institute and prosecute a civil action for damages, and sue Fayette County, Kentucky, and the Fiscal Court of said County, for said wrongful injury and death of Hoyt Hedges and to determine the liability, if any, of said County and its fiscal court.

Said action may be brought within one year from the date of the passage of this resolution in the Fayette Circuit Court, for such injury and death and medical, surgical, ambulance, hospital and burial expense, and loss to said estate by reason of the destruction of the power of Hoyt Hedges to labor and earn money.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, on the 21st of October, 1937 about 8:30 A. M. John R. Clarke, Jr. and his wife Edith S. Clarke of Jackson, Breathitt County, Kentucky, were injured and the car of John R. Clarke, Jr. was practically demolished while John R. Clarke, Jr. was driving his car West on Highway No. 60 at a point about fifteen miles East of Morehead in Carter County, Kentucky.

WHEREAS, at the time of said accident Mr. Carol Ratliff, the right-of-way agent for the State Highway Department, while acting in the scope of his employment and upon the duties of the said Highway Department, negligently and carelessly caused the State Highway Department car to run into and collide with the car of John R. Clarke, Jr. causing John R. Clarke, Jr. and his wife, Edith S. Clarke to be injured, from which injuries they were compelled to have medical attention and suffered great pain for a long period of time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John R. Clarke, Jr. and Edith S. Clarke, his wife, be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or both or either of them in the Circuit Court of Carter County, Kentucky, for such damages as they suffered by reason of personal injuries and property damage caused and brought about by the carelessness and negligence of the State Highway Commission, its agents or employees.

That said suit shall be for an amount not exceeding the amount of Twenty Five Hundred ($2500.00) Dollars, and in the event any judgment is recovered by John R. Clark, Jr. and his wife Edith S. Clarke, in said suit for said personal injuries and property damage, or the same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Either party to said suit may appeal from any judgment

which may be entered herein as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way and manner as any other civil suit.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
G. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one Robert Johnson was employed as a laborer by the State Highway Department and became physically incapacitated to perform said work and Jasper Johnson, with the consent and by agreement of the State Highway Foreman in charge of said work, was substituted for said Robert Johnson, and performed and was engaged in performing work and labor for the Commonwealth of Kentucky and the State Highway Commission, and on July 13, 1935, on State Highway Number 52 in Lee County, Kentucky, while in the course of his employment and performance of the duties thereof and while riding in a vehicle being driven by another employee of the Commonwealth of Kentucky and the State Highway Commission a collision with another vehicle occurred in which the said Jasper Johnson was thrown from said vehicle to the pavement of the State Highway and sustained injuries from which he died;

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said Jasper Johnson was not placed on the payroll and employment roll of the State Highway Department and the name of the said Jasper Johnson was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and per-

sonal representative of the said Jasper Johnson can not therefore be made under the provisions of the Workmen's Compensation Law,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of Jasper Johnson, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, if any there be; and in the event any judgment in such action is recovered by the personal representative of the said Jasper Johnson, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as any other civil case.

§ 3. Said action may be brought in the Lee Circuit Court or any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hundred ($100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-five ($75.00) Dollars for burial expenses, and Four Thousand ($4,000.00) Dollars for the death of the said Jasper Johnson, or a total of Four Thousand One Hundred Seventy-five ($4,175.00) Dollars.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 36. A Joint Resolution appropriating fifty (50) dollars from the General Fund of the State of Kentucky for the purpose of paying Ben C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of fifty (50) men from Clark County for criminal jury service in the Breathitt Circuit Court.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

WHEREAS, Ben C. Sewell was appointed as special elisor by the Breathitt Circuit Court at its regular October term, 1934, to go from Jackson to Clark County, Kentucky, a distance of eighty miles (80) for the purpose of, and did on the eighteenth (18th) day of November, 1934, summons a venire of fifty (50) men to render jury service in the Breathitt Circuit Court.

WHEREAS, the said Ben C. Sewell, in performing his services as aforesaid, did labor for the Commonwealth of Kentucky one (1) night and one (1) day and one-half (½) day and paid all his necessary expenses in so doing, which labor and expenses was reasonably worth fifty (50) dollars to the State.

NOW, Be It Resolved that there be and is hereby appropriated out of the General Fund of the State of Kentucky the sum of fifty (50) dollars for the purpose of paying Ben C. Sewell for services and expenses as special elisor of the Breathitt Circuit Court in going to Clark County, Kentucky, and returning and summoning a venire of fifty (50) men for jury service in the said court on a murder trial, the case styled Commonwealth of Kentucky versus Hollan, Dunn, etc., and the Auditor of the State is authorized and directed to draw a warrant on said fund payable to the said Ben C. Sewell for the

sum of fifty (50) dollars for his services and expenses aforesaid.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 37. A Joint Resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents ($122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

There be and is hereby appropriated from the General Fund of the State of Kentucky the sum of one hundred twenty-two dollars and eight cents ($122.08) for the purpose of paying A. D. Carpenter assignee of the following State claims ordered and issued by the Breathitt Circuit Court:

Bowman, Bedford	$ 1.00
Bush, Mose	1.00
Bowling, George Ed	2.00
Campbell, Uleys	2.00
Chandler, Henry	2.00
Davidson, Beech	1.00
Deaton, Luther	2.00
Deaton, Virgil	1.00
Franks, Pearlie	17.00
Fugate, Walter	2.00
Gearett, Everett	3.00
Goff, James	1.00
Gross, Eliza	5.60
Hollon, Hazel	4.24
Hensley, Flossie	4.04
Herald, Sq. Brack	1.00
Ingram, James	5.20
King, Cora	1.00
King, Eddie	1.00

King, Sherman	1.00
Landrum, Letha	2.00
Little, Floyd	2.00
Lovins, Charlie	1.00
McDaniel, Shady	3.00
Oaks, Jess	1.00
Osborne, Enoch	2.00
Salyer, Charlie	9.12
Salyer, Boyd	9.12
Smith, C. C.	9.12
Smith, Arch	1.00
South, America	2.00
Strong, Pete	3.00
Trent, Harry	3.00
Turner, Harvey	2.00
Vires, John D.	2.00
Wilson, Sam	1.00
Young, Cletus	8.64
Goff, J. T.	3.00

That the State Auditor be authorized and directed to draw warrants for said amounts payable to the said A. D. Carpenter from said Fund.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Contitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 44. Resolution, authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

Said resolution is as follows, viz:

Whereas on or about August 16th, 1937, Myrtle Cade, a resident of Morgantown, Butler County, Kentucky, and an

employee of the W.P.A. while returning from her work, was run over and knocked a considerable distance and injured on Highway 71 near Morgantown, Ky. Wherein, it is claimed that while Myrtle Cade was crossing or walking along said highway, she was struck and injured, both legs being broken, and other serious bodily injuries by a truck operated by one of the employees of the State Highway Commission, in a very careless negligent and reckless manner, and driving at an excessive and dangerous rate of which prevented proper control of the truck and but for said speed and recklessness said accident would not have happened.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Myrtle Cade be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky or the State Highway Commission or both of them in the Franklin Circuit Court for such damages as she may have sustained, if any, by reason of injury to her head, body and limbs, caused by the negligence of the Commonwealth of Ky. or the State Highway Commission their agents, servants or employees: and in the event any judgment is recovered by the said Cade in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrants from the auditor, to be paid out of the general fund and both the said Cade and the Commonwealth of Kentucky or the State Highway Commission shall have the right to appeal said case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. P. Bradbury	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	G. Samuel Milam	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the 17th day of December, One Thousand Nine Hundred and Thirty-Six, an automobile belonging to the Kentucky Children's Home Society, a Kentucky corporation, was struck and damaged on Seventh Street, near the Latham Hotel in Hopkinsville, Christian County, Kentucky, by a truck numbered 234 and bearing 1936 Kentucky license number 36T-3-073, belonging to the Department of Highways, and being then and there operated in a careless and negligent manner by employees of said Department in the performance of their duties;

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky that the Kentucky Children's Home Society, a Kentucky corporation, be and it is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Franklin Circuit Court, for damages arising from the negligence of employees of the Department of Highways of Kentucky. Said suit shall be for any amount not exceeding the sum of One Hundred Sixty-Four Dollars and Ten Cents ($164.10), and in the event any judgment is recovered by the said Kentucky Children's Home Society in said action, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. P. Bradbury	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	J. H. McKinney	W. R. Tapp
John C. Cornett	G. Samuel Milam	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky, and State Highway Department.

Said resolution is as follows, viz:

WHEREAS, during the year 1933 the State Department

of Roads and Highways of the Commonwealth of Kentucky, in construction of what is now known as State Highway No. 138, running from Calhoun, to Livermore, in McLean County, Kentucky, so constructed said highway as to change a natural water course so that it caused twenty acres of rich farm lands of said Johnson and Appman to overflow to their great damage, said twenty acres of land being worth forty dollars per acre or a total of $400.00 and

WHEREAS, said owners have unsuccessfully sought to have the State Highway Engineers change such road, as then constructed, so that said damage would no longer exist, and

WHEREAS, said Johnson and Appman are claiming $400.00 with interest at 6% from January, 1933 until paid,

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. D. Johnson and George Appman be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Roads and Highways in the McLean Circuit for said sum of $800.00; with interest from January 1933 until paid, and in the event a judgment in any sum is recovered that same be paid by the auditor of the State of Kentucky by warrant on the State Treasurer, without execution being issued, but the judgment shall not exceed $400.00, with 6% interest from January 1, 1933, and the Commonwealth shall have the right to appeal, the same as the plaintiffs, and the same as in any other case.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	Jas. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the twenty-eight (28) day of October, one thousand nine hundred thirty-seven (1937), F. W. Childers was traveling on the Frankfort and Georgetown Pike in Franklin County, Kentucky, and while traveling upon said highway a State Highway truck operated by an employee of the State and while acting within the scope of his employment for the State negligently and carelessly ran into and against the automobile operated by the said Childers, damaging it to the extent of three hundred ($300.00) dollars; injuring the said Childers upon the face, nose, breast and legs; causing him to suffer great pain; incur medical bills; and lose time from his work, all to his damage in the sum of two hundred and fifty ($250.00) dollars, all of which was brought about by the sole negligence and carelessness of the driver of said truck as above stated.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That F. W. Childers, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Franklin Circuit Court, the county wherein said accident happened, for the damages to his automobile not to exceed the sum of three hundred ($300.00) dollars; for damages for personal injuries to himself, loss of time from work, doctor's bills, physical suffering and pain, not to exceed for personal injuries, loss of time, doctor's bills, physical suffering and pain, two hundred and fifty ($250.00) dollars. In the event any judgment is recovered by the said Childers in said suit, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund. The case may be settled or compromised, with the consent and approval of the Attorney General of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	Carl Lyttle	W. S. Shanklin
H. S. Cleveland	Peter P. Mattingly	Parker Sims
T. Fowler Combs	C. C. May	A. Frank Tabb
Herbert Cook	H. H. McGuire	W. R. Tapp
John C. Cornett	G. Samuel Milam	Joe L. Wall
Norman A. Curtis	William E. Mull	H. L. Waterfield
Willard Q. Daniel	Tyler F. Munford	L. Roger Wells
L. M. Davisworth	Rodes K. Myers	J. D. White
Sam Dever	Alfred A. Naff	J. M. Williams
Garland Embry	Mel Petry	W. G. Williams
Raymond Eyl	Henry Plum	Lee Roy Wilson
Chas. P. Farnsley	Ed F. Prichard	James W. Young
Ferd A. Gnau	Grover C. Ransom	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

Whereas, W. W. Robertson is now and was during all the times herein mentioned the owner of a certain tract of real estate located in the city of Mayfield, Graves County, Kentucky, consisting of approximately 140x152 feet, and upon which there is located four frame residences; and

Whereas, the State Highway Commission (now Department of Highways) in the construction of the overhead bridge which crosses the tracks of the Illinois Central Railroad Company, near the northern city limits of the City of Mayfield, Kentucky, and the approaches thereto, took about 1000 square feet of the above mentioned property across the front thereof in the construction of the approaches to said overhead bridge and closed up the public street in front of said property, thereby injuring and damaging the balance of said property; and

Whereas, said State Highway Commission (now Department of Highways), nor any other person, has paid any compensation to the said W. W. Robertson for the taking of said property, or for the closing of said street, or for the injury and damage to his remaining property, Now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Robertson be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both of them, in any sum not in excess of $1500.00 as the reasonable compensation for the taking of said property, for the closing of said street, and for

the injury and damage to the rest of his property by the State Highway Commission (now Department of Highways).

§ 2. That the action herein authorized and permitted may be brought in the Graves Circuit Court, the situs of the property, and shall be commenced within one year from the passage hereof.

§ 3. That any party to said action may appeal from any judgment which may be rendered by the Graves Circuit Court to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Willard Q. Daniel	William K. King
Geo. P. Anderson	L. M. Davisworth	John Marshall
J. Everett Bach	Sam Dever	C. C. May
B. F. Bedford	Garland Embry	M. T. McCarthy
Rell Bevins	Raymond Eyl	J. H. McKinney
C. C. Byrne	Chas. P. Farnsley	Alton Mitchell
J. F. Carr	Ferd A. Gnau	Tyler F. Munford
H. S. Cleveland	C. A. Hale	Rodes K. Myers
T. Fowler Combs	S. T. Hamilton	Alfred A. Naff
Herbert Cook	C. L. Hammons	Homer Neikirk
John C. Cornett	W. H. Hunt	Henry Plum
Norman A. Curtis	Ben W. Johnson	H. O. Porter

Grover C. Ransom	Leon J. Shaikun	L. Roger Wells
Hobart Rayburn	W. S. Shanklin	J. D. White
E. S. Robey	Parker Sims	John M. Williams
John C. Robinson	A. Frank Tabb	W. G. Williams
William T. Rollo	W. R. Tapp	Lee Roy Wilson
Clarence Rush	Joe L. Wall	James W. Young
Carl Scheben	H. L. Waterfield	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 62. A Joint Resolution appropriating from the General Fund of the State of Kentucky Three Hundred Thirty-Two Dollars and Sixty-Six Cents (332.66) for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

Said resolution is as follows, viz:

WHEREAS, on January 20, 1938, the Floyd Circuit Court entered an order directing the Sheriff of Floyd County to convey from the State of Idaho to Floyd County Evan Frasure and Ernest Frasure, fugitives from justice, who were then being held by the officials of the State of Idaho under a charge of willful murder pending against them in the Floyd Circuit Court, and

WHEREAS, D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, proceeded to Pocatello, Idaho, and re-

turned said prisoners in obedience to said court order, traveling a distance of 4,150 miles and incurred expenses in purchasing railroad tickets and meals for said prisoners, all of which amounted to the sum of $332.66, and

WHEREAS, payment of said claim has been rejected by the State of Kentucky: Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there be and is hereby appropriated from the General Fund of the State of Kentucky the sum of $332.66 for the purpose of paying the said D. P. Dingus for said services rendered.

That the State Auditor be and he is hereby authorized and directed to draw a warrant for said amount payable to said D. P. Dingus from said fund.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	Raymond Eyl
Geo. P. Anderson	Herbert Cook	Chas. P. Farnsley
J. Everett Bach	John C. Cornett	Ferd A. Gnau
B. F. Bedford	Norman A. Curtis	C. A. Hale
Rell Bevins	Willard Q. Daniel	S. T. Hamilton
C. C. Byrne	L. M. Davisworth	C. L. Hammons
J. F. Carr	Sam Dever	W. H. Hunt
H. S. Cleveland	Garland Embry	Ben W. Johnson

William K. King	Henry Plum	A. Frank Tabb
Carl Lyttle	Ed F. Prichard	W. R. Tapp
Peter P. Mattingly	Grover C. Ransom	Joe L. Wall
C. C. May	E. S. Robey	H. L. Waterfield
H. H. McGuire	John C. Robinson	L. Roger Wells
G. Samuel Milam	William T. Rollo	J. D. White
William E. Mull	Clarence Rush	J. M. Williams
Tyler F. Munford	Carl Scheben	W. G. Williams
Rodes K. Myers	Leon J. Shaikun	Lee Roy Wilson
Alfred A. Naff	W. S. Shanklin	James W. Young
Mel Petry	Parker Sims	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 63. A Resolution authorizing and empowering Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 25th day of December, 1937, near the city limits of Lexington, Kentucky, on the Leestown Pike in Fayette County, Kentucky, an automobile of the Fayette County Patrol and then and there being operated, managed, controlled and used by an employee of Fayette County, Kentucky, and in which Anna Henderson Smith was a passenger, had an accident, and the said Anna Henderson Smith was critically injured as a result of said accident, and

WHEREAS, the said Anna Henderson Smith was then,

and is now, an infant and will not be twenty-one years of age until August, 1938,

NOW, in order to determine by judicial action the question of whether the operator of said automobile was negligent and the said Anna Henderson Smith is entitled to damages against Fayette County, Kentucky, for her injuries,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Anna Henderson Smith shall be, and she is hereby, empowered and authorized to sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, in her own name and right in the Fayette Circuit Court in Lexington, Kentucky, when she becomes twenty-one years of age, or the said Anna Henderson Smith may at this time, through a duly qualified and acting guardian sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, and if said suit is still pending when the said Anna Henderson Smith reaches the age of twenty-one years she may join in said suit in her own right and may continue the prosecution of said suit, either of said suits to be for the purpose of determining the liability, if any, of Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, for the injuries sustained by the said Anna Henderson Smith as a result of said accident.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	E. S. Robey
Geo. P. Anderson	S. T. Hamilton	John C. Robinson
J. Everett Bach	C. L. Hammons	William T. Rollo
B. F. Bedford	W. H. Hunt	Clarence Rush
Rell Bevins	Ben W. Johnson	Carl Scheben
C. C. Byrne	William K. King	Leon J. Shaikun
J. F. Carr	John Marshall	W. S. Shanklin
H. S. Cleveland	C. C. May	Parker Sims
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
Herbert Cook	Jas. H. McKinney	W. R. Tapp
John C. Cornett	Alton Mitchell	Joe L. Wall
Norman A. Curtis	Tyler F. Munford	H. L. Waterfield
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
L. M. Davisworth	Alfred A. Naff	J. D. White
Sam Dever	Homer Neikirk	John M. Williams
Garland Embry	Henry Plum	W. G. Williams
Raymond Eyl	H. O. Porter	Lee Roy Wilson
Chas. P. Farnsley	Grover C. Ransom	James W. Young
Ferd A. Gnau	Hobart Rayburn	—56

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Farnsley of the Committee heretofore appointed to hear evidence and to report on the impeachment proceedings instituted against H. B. Kinsolving Jr., Commonwealth's attorney of the 12th Judicial District, offered the following report, viz:

Report of the Committee appointed to investigate the petition filed in the House of Representatives of the General Assembly of Kentucky on February 1, 1938, requesting that

impeachment proceedings be instituted against H. B. Kinsolving, Jr., Commonwealth's Attorney of the 12th Judicial District.

To the House of Representatives of the General Assembly of Kentucky:

The Committee duly selected to investigate the petition filed herein, states that following its selection a meeting was held of the Committee at which time Honorable Charles P. Farnsley was elected as Chairman.

The Committee states that this petition was filed by Bailey W. Newton of Shelbyville, Kentucky, charging that H. B. Kinsolving, Jr., of Shelbyville, Kentucky Commonwealth's Attorney of the 12th Judicial District, had committed acts contrary to his oath of office and in violation of the Statutes and Constitution of Kentucky, and asked that impeachment proceedings be instituted by the House of Representatives of the Commonwealth of Kentucky. The facts upon which this complaint is based are found and were stated by the Court of Appeals of Kentucky in the case of Newton vs. Citizens Bank of Shelbyville, et al., 259 Ky. 592, 82 S. W. (2d) 775. The complainant, Bailey W. Newton, was indebted to the Citizens Bank of Shelbyville in a substantial sum of money, which on February 1, 1932, amounted to $9,500.00. His obligation to the bank was secured by certain stocks which were listed on the back of the note given to the bank and which note contained this statement:

"I hereby pledge, first as security therefor, and second as security for any other debt I may owe now or may hereafter owe said bank, all of the stock held by them, and agree that the Citizens Bank may sell said collateral for cash at my expense without notice to the undersigned, for the purpose of paying this note or any other obligation of the undersigned."

The stocks which had been pledged began to depreciate in value and the bank requested Newton to pledge additional security. Additional collateral was furnished, but Newton

was unable to furnish all of the collateral demanded and practically all of the stock, with certain exceptions, was sold through the brokerage firm of J. J. B. Hilliard & Sons of Louisville, Kentucky, and Newton was accordingly notified. Newton contended that the bank was not authorized to endorse or recopy his name upon the stock securities and instituted an action in the Shelby Circuit Court against the Citizens Bank of Shelbyville, P. R. Beard, its cashier, and Charles Randolph, assistant cashier, to cancel an alleged power of attorney upon the ground of forgery. The trial Judge held that Newton had failed to maintain the burden of proof and his petition was dismissed. An appeal was prosecuted to the Court of Appeals of Kentucky, and on November 20, 1934, in the case styled Newton vs. Citizens Bank of Shelbyville, et al. reported in 259 Ky. 592, 82 S. W. (2d) 775, the action of the lower court in dismissing was affirmed. In affirming the judgment of the lower court and dealing specifically with the question of forgery, the Court of Appeals in that opinion had this to say:

"Eliminating the opinions of the experts as being equiponderant, we have on the one hand the unsupported evidence of Newton that he did not sign the power of attorney and on the other the evidence of three witnesses that he did sign the power of attorney. Another circumstance not to be overlooked is the fact that the note itself authorized the bank to sell the collateral, and it is by no means probable that three reputable bank officials would enter into a conspiracy to commit an unnecesary forgery. In addition to this, we have carefully compared the disputed signature with certain admitted signatures of Newton, and are convinced that the disputed signature is in his handwriting. In view of these circumstances, it is not perceived how the chancellor could have reached any other conclusion."

The complainant, Newton, appeared before the grand jury of Shelby county and required an indictment against

P. R. Beard, President of the Citizens Bank, C. A. Randolph, Cashier of the Bank, and C. T. Perkins, Bookkeeper, on a charge of forging his name to the power of attorney. The respondent, Kinsolving, was at that time and is now Commonwealth's attorney of that Judicial District. Prior to the appearance of the complainant, Newton, before the grand jury, the respondent, Kinsolving, had with other attorneys acted as counsel for the Citizens Bank in the matter, but following Newton's appearance before the grand jury Kinsolving withdrew from his employment as attorney for the bank. The grand jury failed to indict any of the officers of the bank and subsequent grand juries have failed to indict any of these officials. The contention is here presented by Newton that the grand jury would have returned an indictment but for the influence of the Commonwealth's Attorney, Kinsolving.

We are fully of the opinion that the Commonwealth's Attorney, H. B. Kinsolving, Jr., acting as legal adviser for the grand jury, was under the duty to assist and advise the grand jury of the law and that in the light of the findings of the Court of Appeals, as expressed in the opinion aforesaid, the judgment of the Commonwealth's Attorney and his advice have been vindicated.

Your Committee feels that the complainant, Bailey W. Newton, acted in good faith in causing this petition to be prepared and filed, and that he had perhaps not received at all times the tactful treatment to which all citizens of this Commonwealth are entitled in their contact with our public officials.

Mr. H. B. Kinsolving, Jr., the respondent in this action, has conducted himself in accord with the laws of Kentucky. Therefore, your Committee recommends to the House of

Representatives of the Commonwealth of Kentucky that the petition filed herein should be dismissed.

Respectfully submitted,

Signed: CHARLES P. FARNSLEY, *Chairman*
C. A. HALE
S. T. HAMILTON
J. D. WHITE
C. W. ANDERSON
PARKER SIMS
W. H. COOK

Mr. Farnsley moved that said report be approved and adopted by the House.

Said motion was agreed to.

Thereupon the said report was approved and adopted by the House.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 371. An Act pertaining to the Motor Vehicle Law and amending and re-enacting the following sections of Carroll's Kentucky Statutes, 1936 Edition: 2739g-24, etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 18)

1. Amend H. B. 371 in Senate by adding after line 30, in paragraph 10 on page 12 of the printed bill the following words and figures:

"(e) At any other point except on the right hand side where said point is less than one hundred and fifty (150) feet

from the brow of a hill, or where the view is otherwise obstructed for said distance."

2. Amend H. B. 371 in Senate by adding after paragraph 8, on page 8, of the printed bill, the following paragraph:

"Paragraph 8½. That Section 2739g-39 of Carroll's Kentucky Statutes, 1936 Edition, be and it is hereby amended so as to read as follows: 'Vehicles proceeding from opposite directions shall pass each other from the right, each giving to the other one-half of the road as nearly as possible.' "

3. Amend the title to H. B. 371 in Senate by adding after the following words and figures in line 4 of the title of the printed bill on page 1, "2739g-37", the following figures "2739g-39"

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	Willard Q. Daniel	W. H. Hunt
C. W. Anderson, Jr.	F. E. Daugherty	Clyde D. Lester
J. Everett Bach	L. M. Davisworth	D. T. Matlack
William T. Baker	Sam Dever	Peter P. Mattingly
B. F. Bedford	Forest C. Easley	H. H. McGuire
Rell Bevins	Garland Embry	J. H. McKinney
C. P. Bradbury	A. H. Eversole	G. Samuel Milam
C. C. Byrne	Raymond Eyl	William E. Mull
J. F. Carr	Chas. P. Farnsley	Tyler F. Munford
H. S. Cleveland	Ferd A. Gnau	Rodes K. Myers
T. Fowler Combs	C. A. Hale	Homer Neikirk
Herbert Cook	Ralph Hamilton	H. O. Porter
G. Cunningham	S. T. Hamilton	Kleber F. Price
William J. Curtis	C. L. Hammons	Grover C. Ransom

Thomas Rigdon	Carl Scheben	R. E. West
E. S. Robey	Leon J. Shaikun	J. D. White
Joe E. Robinson	Parker Sims	John M. Williams
William T. Rollo	A. Frank Tabb	W. G. Williams
E. A. Rose	W. R. Tapp	Lee Roy Wilson
Clarence Rush	Gabe B. Taylor	—59

Those who voted in the negative were—

Ben W. Johnson	Erna E. Tyra	Joe L. Wall

—3

Resolved that the title thereof be as amended.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 219. An Act to amend and re-enact Articles V and VI of Chapter 85 being Sections 2619 to 2635b-5, inclusive of Carroll's Kentucky Statutes, 1936 Edition, relating to regulating the practice of pharmacy etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 9)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend H. B. 219, page 2, Section 3, line 1 by adding after the word "store" the following: "or manufacturer of pharmaceutical or proprietary preparations"

2. Amend H. B. 219, page 2, Section 3, line 3 by adding after the word "store" and before the letter "a" in said line 3

the following: "or place where pharmaceutical or proprietary preparations are manufactured"

3. Amend H. B. 219, page 2, section 3, line 11 by adding after the word "store" and before the word "to" in said line the following: "or place where pharmaceutical or proprietary preparations are manufactured"

4. Amend H. B. 219 Sec. 12 line 2, by adding after the word "pharmacy" the following: "or manufacture pharmaceutical proprietary preparations"

5. Amend H. B. 219 page 10, section 12 by amending the title of said section by adding after the word "sells" the words "or manufactures"

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	L. M. Davisworth	H. H. McGuire
Geo. P. Anderson	Sam Dever	J. H. McKinney
J. Everett Bach	Forest C. Easley	G. Samuel Milam
William T. Baker	Garland Embry	William E. Mull
B. F. Bedford	A. H. Eversole	Tyler F. Munford
Rell Bevins	Raymond Eyl	Rodes K. Myers
C. P. Bradbury	Chas. P. Farnsley	Homer Neikirk
C. C. Byrne	Ferd A. Gnau	H. O. Porter
J. F. Carr	C. A. Hale	Kleber F. Price
H. S. Cleveland	Ralph Hamilton	Grover C. Ransom
T. Fowler Combs	S. T. Hamilton	Thomas Rigdon
Herbert Cook	C. L. Hammons	E. S. Robey
G. Cunningham	W. H. Hunt	Joe E. Robinson
William J. Curtis	Clyde D. Lester	William T. Rollo
Willard Q. Daniel	D. T. Matlack	E. A. Rose
F. E. Daugherty	Peter P. Mattingly	Clarence Rush

Carl Scheben	W. R. Tapp	John M. Williams
Leon J. Shaikun	Carl M. Taylor	W. G. Williams
Parker Sims	R. E. West	Lee Roy Wilson
A Frank Tabb	J. D. White	—59

Those who voted in the negative were—

Ben W. Johnson	Erna E. Tyra	Joe L. Wall

—3

Mr. Hunnicutt moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 379. An Act concerning wild animals, wild birds and fish; etc.

With amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 24)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 379, Sec. 42, page 19, lines 4, 5, and 6 by striking therefrom all words after the word "any" in line 4 of said section and inserting in lieu thereof the following language: "navigable streams but not above the last lock and dam"

Said amendment was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ira W. Hulette	Thomas Rigdon
William T. Baker	John M. Hunnicutt	E. S. Robey
B. F. Bedford	Ben W. Johnson	Joe E. Robinson
C. C. Byrne	Clyde D. Lester	John C. Robinson
George S. Clay	D. T. Matlack	William T. Rollo
H. S. Cleveland	Peter P. Mattingly	Carl Scheben
T. Fowler Combs	T. B. McConnell	Parker Sims
G. Cunningham	J. H. McKinney	Wm. St. C. Stuart
F. E. Daugherty	Alton Mitchell	A. Frank Tabb
Sam Dever	William E. Mull	W. R. Tapp
Raymond Eyl	Rodes K. Myers	S. J. Wagner
Chas. P. Farnsley	Homer Neikirk	John M. Williams
Ferd A. Gnau	Luster C. Oxley	W. G. Williams
C. A. Hale	Kleber F. Price	—41

Those who voted in the negative were—

J. Everett Bach	Garland Embry	Hubert H. Read
Rell Bevins	A. H. Eversole	Carl M. Taylor
F. C. Boyd	S. T. Hamilton	Cass R. Walden
J. F. Carr	W. H. Hunt	Henry Ward
Leonard Carson	C. C. May	H. L. Waterfield
Herbert Cook	Mel Petry	R. E. West
John C. Cornett	H. O. Porter	J. D. White
William J. Curtis	Grover C. Ransom	Lee Roy Wilson
Willard Q. Daniel	Hobart Rayburn	—26

Mr. Hunicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 245. An Act repealing, amending and re enacting Sec. 4224 a-1 of Carroll's Kentucky Statutes, 1936 Edition, so as to impose an occupational license tax only upon wholesalers, jobbers and retailers of cigarettes, etc.

With amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 23)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 245 by adding after the comma in line 3, section 2, page 3 the following: "are hereby expressly repealed"

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Everett J. Bach	John M. Hunnicutt	E. A. Rose
B. F. Bedford	W. H. Hunt	Carl Scheben
Rell Bevins	Ben W. Johnson	Leon J. Shaikun
F. C. Boyd	William K. King	W. S. Shanklin
C. P. Bradbury	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	A. Frank Tabb
T. Fowler Combs	H. H. McGuire	W. R. Tapp
G. Cunningham	Stanley C. Moebus	Carl M. Taylor
Norman A. Curtis	William E. Mull	Gabe B. Taylor
F. E. Daugherty	Rodes K. Myers	Erna E. Tyra
L. M. Davisworth	Luster C. Oxley	S. J. Wagner
Sam Dever	Mel Petry	Henry Ward
Garland Embry	Kleber F. Price	H. L. Waterfield
Raymond Eyl	Grover C. Ransom	L. Roger Wells
C. A. Hale	Hobart Rayburn	J. D. White
Ralph Hamilton	E. S. Robey	Lee Roy Wilson
C. L. Hammons	John C. Robinson	James W. Young
Ira W. Hulette	William T. Rollo	—56

Those who voted in the negative were—

T. B. McConnell Alton Mitchell H. O. Porter

—3

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 160. An Act to amend and re-enact Sec. 4 and sec. 7 of chapter 111 of the Acts of the General Assembly at its 1936 session, approved February 27, 1936, defining certain of the powers and duties of the Statute Committee.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 2)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 160 on page 2, section 2, line 9 by adding after the word "so" the following:

"and at as early a day as practicable, shall report the result of their labors to the General Assembly for its adoption or modification"

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ralph Hamilton	Kleber F. Price
B. F. Bedford	C. L. Hammons	Grover C. Ransom
Rell Bevins	Ira W. Hulette	Hobart Rayburn
F. C. Boyd	John M. Hunnicutt	Thomas Rigdon
C. P. Bradbury	W. H. Hunt	John C. Robinson
George S. Clay	Ben W. Johnson	William T. Rollo
H. S. Cleveland	William K. King	E. A. Rose
T. Fowler Combs	Carl Lyttle	S. J. Wagner
G. Cunningham	D. T. Matlack	Henry Ward
Norman A. Curtis	Peter P. Mattingly	H. L. Waterfield
F. E. Daugherty	H. H. McGuire	L. Roger Wells
L. M. Davisworth	Stanley C. Moebus	J. D. White
Sam Dever	William E. Mull	Lee Roy Wilson
Garland Embry	Rodes K. Myers	James W. Young
Raymond Eyl	Luster C. Oxley	
C. A. Hale	Mel Petry	—46

Those who voted in the negative were—

T. B. McConnell	Alton Mitchell	H. O. Porter

—3

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 55. An Act to repeal, amend and re-enact Sections 112-1 to 117a inclusive, Carroll's Kentucky Statutes, 1936 Revision, relating to the office of Attorney General of the Commonwealth of Kentucky.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 9)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend H. B. 55 by striking therefrom the following: all the wording of the last line, page 1, and all wording in line 2, 3 and 4 on page 2 of the printed bill.

2. Amend H. B. 55 by striking all of Section 2, page 3, all of section 3, pages 3, 4 and 5, all of section 4, page 5 and 6, all of Section 5, page 6, all of Section 6, page 6, all of Section 7, page 7, all of Section 8, page 7.

3. Amend H. B. 55 by adding immediately after Section 1 the following section to be designated Section 2.

"All laws in conflict herewith are hereby expressly repealed."

4. Amend the title to H. B. 55 by striking the entire title and adding in lieu thereof the following title:

"An Act relating to the office of Attorney General of the Commonwealth of Kentucky, and providing that the Attorney General elected in the year 1939 and who takes office on the first Monday in January, 1940, shall receive an annual salary of $5,000.00."

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	H. S. Cleveland	Sam Dever
B. F. Bedford	T. Fowler Combs	Garland Embry
Rell Bevins	G. Cunningham	Raymond Eyl
F. C. Boyd	Norman A. Curtis	C. A. Hale
C. P. Bradbury	F. E. Daugherty	Ralph Hamilton
George S. Clay	L. M. Davisworth	C. L. Hammons

Ira W. Hulette	Mel Petry	A. Frank Tabb
John M. Hunnicutt	Kleber F. Price	W. R. Tapp
W. H. Hunt	Grover C. Ransom	Carl M. Taylor
Ben W. Johnson	Hobart Rayburn	Gabe B. Taylor
William K. King	E. S. Robey	Erna E. Tyra
Carl Lyttle	John C. Robinson	S. J. Wagner
D. T. Matlack	William T. Rollo	Henry Ward
Peter P. Mattingly	E. A. Rose	H. L. Waterfield
H. H. McGuire	Carl Scheben	L. Roger Wells
Stanley C. Moebus	Leon J. Shaikun	J. D. White
William E. Mull	W. S. Shanklin	Lee Roy Wilson
Rodes K. Myers	Parker Sims	James W. Young
Luster C. Oxley	Wm. St. C. Stuart	—56

Those who voted in the negative were—

T. B. McConnell	Alton Mitchell	H. O. Porter

—3

Resolved that the title thereof be as amended.

Mr. Hunnicutt moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 220. An Act imposing taxes on motor vehicles for hire used primarily for the transportation of passengers operating under a certificate of convenience, etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 10)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend H. B. 220 in Senate by striking out of line 7,

paragraph 2, page 2 of the printed bill the following words and figures "one thirtieth (1/30)" and substituting in lieu thereof the following words and figures "one thirty-sixth (1/36)"

2. Amend H. B. 220 in Senate by striking out of paragraph 2, line 17, on page 3 of the printed bill the following words, "the Interstate Commerce Commission" and substituting in lieu thereof the words "in interstate commerce"

and further amend said bill by striking out the following words in line 14, paragraph 2, page 2 of the printed bill, "bus or taxicab" and inserting in lieu thereof "bus, taxicab or"

3. Amend H. B. 220 on page 3, section 2, line 19 by changing the period after the word "vehicle" to a semicolon and adding the following words: "Provided this Act shall not apply to busses operated in municipalities by merchants in connection with their business, where said busses are licensed by said municipalities"

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Everett J. Bach	L. M. Davisworth	William K. King
B. F. Bedford	Sam Dever	Carl Lyttle
Rell Bevins	Garland Embry	D. T. Matlack
F. C. Boyd	Raymond Eyl	Peter P. Mattingly
C. P. Bradbury	C. A. Hale	H. H. McGuire
George S. Clay	Ralph Hamilton	Stanley C. Moebus
H. S. Cleveland	C. L. Hammons	William E. Mull
T. Fowler Combs	Ira W. Hulette	Rodes K. Myers
G. Cunningham	John M. Hunnicutt	Luster C. Oxley
Norman A. Curtis	W. H. Hunt	Mel Petry
F. E. Daugherty	Ben W. Johnson	Kleber F. Price

Grover C. Ransom	W. S. Shanklin	S. J. Wagner
Hobart Rayburn	Parker Sims	Henry Ward
E. S. Robey	Wm. St. C. Stuart	H. L. Waterfield
John C. Robinson	A. Frank Tabb	L. Roger Wells
William T. Rollo	W. R. Tapp	J. D. White
E. A. Rose	Carl M. Taylor	Lee Roy Wilson
Carl Scheben	Gabe B. Taylor	James W. Young
Leon J. Shaikun	Erna E. Tyra	—56

Those who voted in the negative were—

T. B. McConnell	Alton Mitchell	H. O. Porter

—3

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. Res. 46. Resolution to provide for ten copies each of Carroll's 1936 Kentucky Statutes, Baldwin's 1937 Kentucky Statutes Service.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of February 28)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. Res. 46 by changing the period to a comma at the end of the sentence on the last line and inserting the following: "payable out of the Legislative Fund Account"

Said amendment was then concurred in.

Said resolution was then adopted, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	John M. Hunnicutt	E. A. Rose
B. F. Bedford	W. H. Hunt	Carl Scheben
Rell Bevins	Ben W. Johnson	Leon J. Shaikun
F. C. Boyd	William K. King	W. S. Shanklin
C. P. Bradbury	Carl Lyttle	Parker Sims
George S. Clay	D. T. Matlack	Wm. St. C. Stuart
H. S. Cleveland	Peter P. Mattingly	A. Frank Tabb
T. Fowler Combs	H. H. McGuire	W. R. Tapp
G. Cunningham	Stanley C. Moebus	Carl M. Taylor
Norman A. Curtis	William E. Mull	Gabe B. Taylor
F. E. Daugherty	Rodes K. Myers	Erna E. Tyra
L. M. Davisworth	Luster C. Oxley	S. J. Wagner
Sam Dever	Mel Petry	Henry Ward
Garland Embry	Kleber F. Price	H. L. Waterfield
Raymond Eyl	Grover C. Ransom	L. Roger Wells
C. A. Hale	Hobart Rayburn	J. D. White
Ralph Hamilton	E. S. Robey	Lee Roy Wilson
C. L. Hammons	John C. Robinson	James W. Young
Ira W. Hulette	William T. Rollo	—56

Those who voted in the negative were—

T. B. McConnell	Alton Mitchell	H. O. Porter

—3

Mr. Hunnicutt moved that the vote by which said resolution was adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Order of the Day, a bill entitled:

S. B. 201. An Act amending and re-enacting section 4308-3, Carroll's Kentucky Statutes, 1936 edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4308-3, Carroll's Kentucky Statutes, 1936 edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, be amended and re-enacted so as to read as follows:

The funds apportioned the several counties by Section two (2) of this Act shall be used for the purposes provided herein by the State Highway Commission in accordance with previously agreed to and accepted plans prepared jointly by the Fiscal Courts of the several counties and the State Highway Commission, or prepared by one or the other and jointly approved. Said plans shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which said funds shall be expended by the State Highway Commission for the fiscal year to which the agreement applies. Said plan for each county shall be formulated and agreed to as soon as practicable after the effective date of this Act, for the then current fiscal year and annually thereafter. If at the end of thirty days after the beginning of a fiscal year of the State Highway Commission, the State Highway Commission and the fiscal court of any county have failed to agree on a plan, or the fiscal court of a county has refused to submit a plan, the State Highway Commission shall have authority to expend the money apportioned that county on the county roads and bridges thereof in such a manner as the State Highway Commission shall deter-

mine. Due to the fact that the fiscal year of the Highway Department starts April 1, an emergency is declared to exist, and this act shall become effective upon its passage and approval by the Governor.

Mr. Myers offered the following amendment to said bill, viz:

Amend S. B. 201 in House, on page 2 of the printed bill, following line 25, by adding the following:

"The term, State Highway Commission, as used in this Act and the title thereto, shall be construed to mean, the Department of Highways.

Whereas, it is deemed important by the General Assembly that the provision of this Act be effective immediately to enable the Department of Highways to conform its budget and program for the ensuing fiscal year, an emergency hereby is declared to exist and this Act shall be effective immediately upon its passage and approval by the Governor"

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	F. C. Boyd	H. S. Cleveland
William T. Baker	C. P. Bradbury	T. Fowler Combs
B. F. Bedford	C. C. Byrne	John C. Cornett
Rell Bevins	J. F. Carr	G. Cunningham

William J. Curtis	Peter P. Mattingly	William T. Rollo
F. E. Daugherty	M. T. McCarthy	E. A. Rose
L. M. Davisworth	T. B. McConnell	Carl Scheben
Sam Dever	J. H. McKinney	W. S. Shanklin
Chas. P. Farnsley	Stanley C. Moebus	Parker Sims
C. A. Hale	John B. Mollette	W. R. Tapp
Ralph Hamilton	Rodes K. Myers	Erna E. Tyra
S. T. Hamilton	Homer Neikirk	Joe L. Wall
C. L. Hammons	Henry Plum	Henry Ward
Ira W. Hulette	H. O. Porter	L. Roger Wells
W. H. Hunt	Kleber F. Price	R. E. West
Ben W. Johnson	Hobart Rayburn	J. D. White
Clyde D. Lester	Thomas Rigdon	John M. Williams
Carl Lyttle	E. S. Robey	W. G. Williams
John Marshall	John C. Robinson	Lee Roy Wilson

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Those who voted in the negative were—

J. Everett Bach	H. H. McGuire	Hubert H. Read
George S. Clay	Alton Mitchell	Clarence Rush
Herbert Cook	William E. Mull	Leon J. Shaikun
Garland Embry	Alfred A. Naff	Carl M. Taylor
A. H. Eversole	Mel Petry	H. L. Waterfield
William K. King	Grover C. Ransom	

—17

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 168. An Act to amend and re-enact Section 2740 Carroll's Kentucky Statutes, Baldwin's Revision of 1936, relating to classification of cities and towns in the state, so as to

change the town of Evarts, Harlan County, from a town of the sixth class to a city of the fifth class, and the said section is hereby amended a follows:

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The cities and towns of the Commonwealth are hereby classified as follows, to-wit:

First class.—Louisville, Jefferson County.

Second class.—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third class.—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth class.—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard,

Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Ft. Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class.—Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; La Grange, Oldham County; Guthrie, Todd County; Hustonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Lawrence County; Burkes-

ville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County; Williamstown, Grant County; Salyersville, Magoffin County; Nortonville, Hopkins County; Park Hills, Kenton County; Evarts, Harlan County.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	C. A. Hale	E. S. Robey
J. Everett Bach	S. T. Hamilton	Joe E. Robinson
B. F. Bedford	W. H. Hunt	John C. Robinson
Rell Bevins	Carl Lyttle	William T. Rollo
F. C. Boyd	John Marshall	E. A. Rose
C. C. Byrne	D. T. Matlack	Carl Scheben
J. F. Carr	C. C. May	Leon J. Shaikun
H. S. Cleveland	J. H. McKinney	W. S. Shanklin
T. Fowler Combs	G. Samuel Milam	Parker Sims
John C. Cornett	John B. Mollette	Wm. St. C. Stuart
Norman A. Curtis	William E. Mull	W. R. Tapp
William J. Curtis	Tyler F. Munford	Joe L. Wall
Willard Q. Daniel	Rodes K. Myers	L. Roger Wells
F. E. Daugherty	Homer Neikirk	R. E. West
Sam Dever	H. O. Porter	John M. Williams
Garland Embry	Kleber F. Price	Lee Roy Wilson
Raymond Eyl	Grover C. Ransom	
Chas. P. Farnsley	Hobart Rayburn	

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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 26. An Act to repeal Chapter One Hundred and Fifteen (115) of the Acts of the General Assembly at its 1916 Session, and Chapter 55 of the Acts of the General Assembly at its 1920 Session, and enacting in lieu thereof, an act to provide a stenographer in the County Attorney's Office in Counties containing a city of the first class, prescribing the method of appointment and removal, salary and method of payment of said salary.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 115 of the Acts of the General Assembly, at its 1916 Session, and Chapter 55 of the Acts of the General Assembly, at is 1920 Session, be and the same are hereby repealed, and there be enacted in lieu thereof, the following, to-wit:

§ 2. That in all counties in this Commonwealth, containing a city of the first class, there is hereby created the office of stenographer to the County Attorney, to be appointed by the County Attorney, for a term of four years, but removable by him at any time.

§ 3. The salary of said stenographer shall not exceed Fifteen Hundred ($1500.00) Dollars per annum, to be fixed by the County Attorney, to be paid by the Fiscal Court in such County, and shall be payable out of the county levy, in equal monthly installments.

§ 4. It shall be the duty of said stenographer to do the stenographic work and typewritten work required in the

County Attorney's office, and by virtue of the office, said stenographer shall have the same power of administering an oath as a Notary Public.

§ 5. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Raymond Eyl	Grover C. Ransom
Geo. P. Anderson	Chas. P. Farnsley	Hobart Rayburn
J. Everett Bach	Ferd A. Gnau	Thomas Rigdon
B. F. Bedford	C. A. Hale	E. S. Robey
Rell Bevins	Ralph Hamilton	William T. Rollo
F. C. Boyd	Ira W. Hulette	Carl Scheben
C. P. Bradbury	Ben W. Johnson	Leon J. Shaikun
J. F. Carr	Clyde D. Lester	Parker Sims
George S. Clay	Carl Lyttle	W. R. Tapp
H. S. Cleveland	C. C. May	Carl M. Taylor
T. Fowler Combs	H. H. McGuire	Cass R. Walden
John C. Cornett	J. H. McKinney	Joe L. Wall
G. Cunningham	Alton Mitchell	Henry Ward
Norman A. Curtis	John B. Mollette	H. L. Waterfield
William J. Curtis	William E. Mull	R. E. West
Willard Q. Daniel	Rodes K. Myers	John M. Williams
F. E. Daugherty	Homer Neikirk	W. G. Williams
Sam Dever	Mel Petry	Lee Roy Wilson
Garland Embry	H. O. Porter	
A. H. Eversole	Kleber F. Price	—58

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 48. An Act to amend Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 be and the same is hereby amended and re-enacted by adding to the first sentence thereof the following words: "and for the maximum length of time during which the defendant might have been imprisoned under the law; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not have violated any term or condition so imposed," so that when said section is amended and re-enacted the same shall read as follows:

"§ 1. What prisoners may be put upon probation. In prosecutions for crime, in the Circuit Courts of this state, except as hereinafter provided, where the defendant has pleaded or been found guilty, and the defendant has never before been convicted of a felony, either in this state or elsewhere, and it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and that the public good does not demand or require that he shall suffer the penalty imposed by law, such court may postpone the rendition of judgment or if rendered, suspend the same on such terms and conditions as the court

deems proper, and for the maximum length of time during which the defendant might have been imprisoned under the law or in misdemeanor prosecutions five years; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not have violated any term or condition so imposed. Whenever in the opinion of the court the sentence should no longer be postponed, the court shall have power to cause a warrant to issue for the defendant and he may thereupon on his arrest be sentenced and such sentence carried into immediate execution.''

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. Everett Bach	Garland Embry	Hobart Rayburn
William T. Baker	Chas. P. Farnsley	Thomas Rigdon
B. F. Bedford	Ferd A. Gnau	E. S. Robey
Rell Bevins	Clyde D. Lester	Joe E. Robinson
F. C. Boyd	Carl Lyttle	William T. Rollo
C. P. Bradbury	H. H. McGuire	Carl Scheben
H. S. Cleveland	J. H. McKinney	Leon J. Shaikun
John C. Cornett	William E. Mull	W. R. Tapp
G. Cunningham	Rodes K. Myers	Carl M. Taylor
Norman A. Curtis	Alfred A. Naff	Henry Ward
William J. Curtis	Homer Neikirk	R. E. West
Willard Q. Daniel	Mel Petry	J. D. White
F. E. Daugherty	H. O. Porter	Lee Roy Wilson
Sam Dever	Kleber F. Price	James W. Young

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Those who voted in the negative were—

J. F. Carr	Ben W. Johnson	Hubert H. Read
T. Fowler Combs	D. T. Matlack	Clarence Rush
A. H. Eversole	Peter P. Mattingly	Parker Sims
C. A. Hale	C. C. May	Cass R. Walden
Ralph Hamilton	Alton Mitchell	H. L. Waterfield
Ira W. Hulette	Grover C. Ransom	John M. Williams

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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition relating to the purchase, location and relocation of rights of way by the State Highway Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition be and the same is hereby amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

Section 4356t-7. Rights of way, condemnation; acquirement of private roads. No portion of the cost of acquiring any necessary land or right of way, except a temporary right of way, nor any part of any damages incurred, awarded or paid, shall be paid out of the state road fund or road and bridge fund, but all cost of acquiring any necessary land or right of

way and any damages incurred, awarded or paid shall be paid by the county out of its general fund or out of funds voted and held by the county or its duly appointed and qualified road commissioners for the purpose of improving or constructing, either or both, the roads and bridges of the county, except however, that after any highway has been located by the State Highway Commission and right of way procured by the county and accepted by the highway commission, then any additional right of way required by the said State Highway Commission by reason of change or relocation in said highway, may be acquired by the State Highway Commission and the purchase price be paid out of the state funds. The state highway commission is hereby authorized to institute any proceeding in the county court of the county where the land lies to have any right of way, temporary or permanent, condemned and the damages assessed. They may institute such suit or proceeding in the name of the Commonwealth, and the county attorney shall represent it. They hall have the power to agree with any landowner as to the value of the right of way and if the agreement reached is approved by the county attorney the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and a record of said agreement shall be spread upon the records of the county court. Any landowner may donate a right of way across his land for any road herein designated and shall execute a deed to the state highway commission for the use and benefit of the State of Kentucky for such right of way. Condemnation proceedings may be tried at a special term of the county court called for the purpose after due notice has been given the owner and claimant of the land sought to be condemned.

The state highway commission shall have the right and it is hereby authorized and empowered to make agreements and contracts with the owners of private surfaced roads necessary to be incorporated in this system of state highways, where the owners are individuals or corporations, for the transfer and taking over of all the rights and interests of such private

owners, for use and a part of this system of state highways; and they may agree upon the price and cost to be paid for such interest in such roads by the approval of the county judge and county attorney in each county in which such roads are located; and upon receipt of their certificate of such transfers and the total cost for same the state auditor shall draw his warrant upon the treasurer for payment of the amount so certified.

And said state highway commission may institute such condemnation or other legal proceedings in the proper courts as they may deem necessary for the taking over of such roads and interests of private owners therein. Or, if, in their judgment, they shall deem it best, they may procure the right of way, as hereinbefore provided for, adjacent to, and alongside of such surfaced roads, crossing the same from one side to the other when he deems proper.

And nothing in this act contained shall be construed to mean that the state or federal government shall pay for any interest that any county may own in such roads, or that any county shall pay for this interest owned by individuals or corporation in such roads.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	B. F. Bedford	C. P. Bradbury
J. Everett Bach	Rell Bevins	J. F. Carr
William T. Baker	F. C. Boyd	George S. Clay

H. S. Cleveland	Peter P. Mattingly	John C. Robinson
T. Fowler Combs	C. C. May	William T. Rollo
Herbert Cook	M. T. McCarthy	E. A. Rose
John C. Cornett	T. B. McConnell	Clarence Rush
G. Cunningham	H. H. McGuire	Carl Scheben
William J. Curtis	J. H. McKinney	Leon J. Shaikun
Willard Q. Daniel	G. Samuel Milam	W. S. Shanklin
F. E. Daugherty	Alton Mitchell	Parker Sims
Sam Dever	Stanley C. Moebus	A. Frank Tabb
Forest C. Easley	John B. Mollette	W. R. Tapp
Garland Embry	William E. Mull	Carl M. Taylor
A. H. Eversole	Rodes K. Myers	Erna E. Tyra
Raymond Eyl	Homer Neikirk	Cass R. Walden
Chas. P. Farnsley	Mel Petry	Joe L. Wall
C. A. Hale	H. O. Porter	Henry Ward
Ralph Hamilton	Kleber F. Price	H. L. Waterfield
C. L. Hammons	Grover C. Ransom	R. E. West
W. H. Hunt	Hobart Rayburn	J. D. White
Ben W. Johnson	Hubert H. Read	John M. Williams
Clyde D. Lester	Thomas Rigdon	Lee Roy Wilson
Carl Lyttle	E. S. Robey	James W. Young
D. T. Matlack	Joe E. Robinson	—74

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 87. An Act authorizing the Department of Highways of the Commonwealth of Kentucky to acquire from any city of the first class any toll bridge theretofore constructed or acquired by such city from the proceeds of Revenue Bonds of such city and to issue Bridge Revenue Bonds of the Com-

monwealth for the purpose of obtaining funds with which to pay the cost of acquiring such bridge; providing for the call and redemption of such outstanding bonds of such city; providing for the conveyance of any such bridge by deed containing restrictions and convenants as to the collection and use of tolls; providing the powers, rights, and duties of such city, its Bridge Commission, and the Department of Highways with reference to any such bridge and its transfer hereunder; and declaring an emergency to exist.

With a Committee amendment thereto.

Mr. Myers moved that said bill with amendment thereto be laid on the Clerk's desk.

Said motion was agreed to.

Mr. Myers moved that the House do now recess until five o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of five o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up from the Clerk's desk and resumed consideration of the matter under discussion, to-wit: a bill entitled:

S. B. 87. (For title see title above)

With Committee amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Highways of the Commonwealth of Kentucky, as an agency of the Commonwealth, is

hereby authorized and empowered (a) to acquire from any city of the first class any toll bridge which such city shall have theretofore constructed or acquired from the proceeds of revenue bonds of such city, and (b) to issue bridge revenue bonds of the Commonwealth for the purpose of obtaining funds with which to pay the cost of acquiring such bridge. Such cost shall be deemed to be the amount required to pay the principal of and the interest and redemption premium, if any, on all revenue bonds or revenue refunding bonds of such city which shall then be outstanding and be payable from tolls and other revenues of such bridge. Except as hereinafter provided, the issuance of such bonds, the rights of the holders thereof, and the duties of the Commonwealth and of the Department in respect to the same, shall be governed by the provisions of Chapter 172 of the Acts of the General Assembly of Kentucky in 1928 and Chapter 157 of the Acts of the General Assembly of Kentucky in 1930, insofar as the same may be applicable. Upon the receipt of an offer from the Department of Highways to acquire any such bridge under the provisions of this Act, the legislative body of such city shall determine by resolution whether to accept such offer. If such offer shall be so accepted, the Department of Highways shall provide for the issuance of such amount of bridge revenue bonds of the Commonwealth as may be necessary, at the purchase price to be paid therefor, to obtain funds with which to pay the cost of acquiring such bridge; provided, however, that all moneys derived from tolls and other revenues of such bridge, whether belonging to the sinking fund for such outstanding revenue bonds or revenue refunding bonds or to the revenue fund or to any other fund, which shall be in the possession of the bridge commission of such city or in the possession of the trustee under an indenture securing such outstanding bonds, shall be set aside and used in the payment of the principal of, and the interest and redemption premium on, such outstanding bonds to the extent directed

by the Department of Highways. It shall be the duty of such bridge commission or of such trustee, upon being notified by the Department of Highways that it has sold bridge revenue bonds under the provisions of this Act, to call for redemption on the next redemption date all revenue bonds or revenue refunding bonds of such city which shall then be outstanding and be payable from tolls and other revenues of such bridge. Upon the issuance of bridge revenue bonds of the Commonwealth and the setting aside in trust for such purpose and in the manner required by the indenture, if any, securing such outstanding bonds, of sufficient moneys to pay all principal, interest and redemption premium on the outstanding bonds, such bridge shall thereupon be conveyed by deed by such City to the Department of Highways for the use and benefit of the Commonwealth. Said deed of conveyance shall be signed and executed by the Mayor of such City, and shall contain such restrictions and covenants with regard to the collection and use of tolls as may be agreed upon by such City and the Department of Highways. All such moneys remaining in the possession of the bridge commission or the trustee and not set aside for the payment of any items of expense theretofore incurred in maintaining, repairing and operating the bridge, shall be paid into the sinking fund for such bridge revenue bonds of the Commonwealth. After any such bridge shall become the property of the Department of Highways as hereinabove provided, the Department shall charge tolls for transit over such bridge, and such tolls shall be so fixed and adjusted as may be required by any law of the United States now in force or hereafter to be enacted, and shall be so fixed and adjusted as to provide a fund sufficient to pay at or before their maturity all bridge revenue bonds of the Commonwealth issued to pay the cost of acquiring such bridge, together with the interest thereon and any lawful premium for the retirement of such bonds before maturity. And such tolls shall be continued until all such bonds and interest thereon shall be paid.

§ 2. Upon making provision for the payment of all bonds which are payable from the tolls of any bridge acquired under the provisions of this Act, unless provision for such payment shall be made from the proceeds of refunding bonds, such bridge shall thereafter be free of tolls for pedestrian and vehicular traffic and shall be maintained, operated, and kept in repair by the Department of Highways or other agency of the Commonwealth from the State Road Fund, except that rentals and other revenues received from electric light and power, telephone, telegraph, gas and pipe line companies for the use of such bridge, shall be applied to the payment of the cost of maintaining, operating, and repairing such bridge.

§ 3. The powers conferred upon the Department of Highways by this Act are supplemental to all other powers vested in the Department. All the powers and duties of the Department in relation to bridges and to bridge revenue bonds shall be powers and duties of the successor or successors of said department from time to time and of any officer, board, or commission to whom or to which any such power or duty shall be transferred by or in accordance with law.

§ 4. Whereas, to make this law operative, it will be necessary to call for redemption all bonds presently outstanding on any bridge heretofore constructed or acquired from the proceeds of revenue bonds of cities of the first class and to issue bridge revenue bonds of the Commonwealth of Kentucky for the purpose of obtaining funds with which to pay the cost of acquiring any such bridge, and

Whereas, in view of the prevailing uncertain conditions of business, it is highly possible that the bond market may, at any time, decline to such an extent as to make it impossible or inexpedient to issue and sell the bonds provided for herein, and

Whereas, it will be impossible to call for redemption such bonds of cities of the first class, presently outstanding, and to stop the interest from accruing thereon until this law is effective,

An emergency is hereby declared to exist, and this Act shall take effect immediately from and after its passage and approval by the Governor.

Said amendment as proposed by the Committee is as follows, viz:

1. Amend S. B. 87, by adding thereto, as Section 3½, on page 4, of the printed bill, at the end of Section 3, the following:

Section 3½. This Act shall not become effective until same shall have been submitted to the qualified legal voters of such city of the first class for their approval or disapproval.

The question of approving or disapproving the provisions of this Act shall be submitted to the qualified voters of said city of the first class at some regular election held in and for said city, and such submission shall be by question placed upon the regular election ballot in the following form, to-wit:

Are you in favor of the City Bridge Commission conveying and giving the Municipal Bridge to the Commonwealth of Kentucky Yes ( )
No ( ).
provided the Commonwealth of Kentucky assumes and agrees to pay the remaining bonded indebtedness on said Bridge?

Said question shall be submitted to the voters only after a written petition has been filed in the office of the County Court Clerk of the County in which said city of the first class is located, at least ninety (90) days before a regular election is to be held in the said city, by regularly qualified legal voters equal in number to five per cent (5%) of the votes cast for the candidates for Mayor at the last preceeding regular election.

Each sheet of such petition shall contain the names of legal voters in but one voting precinct, and shall state the number of said precinct and the ward in which same is located.

Each voter shall write his street address opposite his name.

Within five (5) days after the filing of such petition the County Court Clerk shall transmit same to the County Judge. The County Judge shall thereupon set a date not less than ten (10) nor more than fifteen (15 days thereafter when interested persons may appear and present proof as to the genuineness of signatures and the qualification of petitioners. After hearing proof the County Judge shall determine the number of legal voters of his County who have signed such petition and cause same to be entered upon the order book and certify same to the County Court Clerk.

Within thirty (30) days after receiving from the County Judge certification that a number of legal voters have signed such petition constituting in the aggregate five (5%) per cent of the vote of the entire city, as hereinbefore provided, the County Court Clerk shall cause such proposed law to be published upon at least four (4) separate dates in a newspaper of general circulation published in said city and shall also cause to be published at the same time and in the same manner the fact that same will be submitted to the voters for their acceptance or their rejection at the next general election.

It shall be the duty of the County Court Clerk to have the question, as hereinabove set out, indicated on the ballot and two (2) places shall be left upon the right of the same, one for voters favoring the measure, to be designated by the word "Yes", and one opposing the measure, to be designated by the word "No". The elector shall designate his vote by a cross-mark thus (X) placed opposite the word "Yes" or "No". The votes cast for and against same shall be counted, canvassed and certified by the County's Board of Election Commissioners in the same manner as votes upon Constitutional Amendments.

If it shall be found that a majority of the votes cast for and against such measure shall be in favor thereof then said law shall become effective. If it shall be found that a majority of the votes cast for and against such measure are not in favor

thereof then said law shall not become effective. The result of such vote shall be published by the County Court Clerk in a newspaper of general circulation published in said city. The expense of the publication herein provided for shall be paid by the city in which said election is held.

Said amendment was then agreed to.

The yeas and nays being required thereon by Messrs. Gnau and Farnsley, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Carl Scheben
Geo. P. Anderson	D. T. Matlack	Wm. St. C. Stuart
J. Everett Bach	Jas. H. McKinney	A. Frank Tabb
William T. Baker	G. Samuel Milam	Carl M. Taylor
George S. Clay	Stanley C. Moebus	Gabe B. Taylor
H. S. Cleveland	John B. Mollette	Erna E. Tyra
John C. Cornett	William E. Mull	Cass R. Walden
L. M. Davisworth	Tyler F. Munford	H. L. Waterfield
Sam Dever	H. O. Porter	L. Roger Wells
Raymond Eyl	E. F. Prichard	R. E. West
Chas. P. Farnsley	Grover C. Ransom	Terrill A. Wilson
Ferd A. Gnau	William T. Rollo	—35

Those who voted in the negative were—

B. F. Bedford	John M. Hunnicutt	Joe E. Robinson
Rell Bevins	Clyde D. Lester	John C. Robinson
F. C. Boyd	C. C. May	E. A. Rose
C. P. Bradbury	M. T. McCarthy	W. S. Shanklin
J. F. Carr	T. B. McConnell	W. R. Tapp
T. Fowler Combs	Alton Mitchell	S. J. Wagner
Herbert Cook	Rodes K. Myers	Joe L. Wall
F. E. Daugherty	Mel Petry	John M. Williams
C. A. Hale	Henry Plum	W. G. Williams
Ralph Hamilton	Kleber F. Price	James W. Young
S. T. Hamilton	Hobart Rayburn	
Ira W. Hulette	Thomas Rigdon	—34

Mr. Milam moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ira W. Hulette	Ed F. Prichard
William T. Baker	John M. Hunnicutt	Grover C. Ransom
B. F. Bedford	Clyde D. Lester	Hobart Rayburn
H. S. Cleveland	Carl Lyttle	Thomas Rigdon
T. Fowler Combs	D. T. Matlack	William T. Rollo
John C. Cornett	M. T. McCarthy	Carl Scheben
G. Cunningham	T. B. McConnell	Leon J. Shaikun
Norman A. Curtis	J. H. McKinney	W. S. Shanklin
Willard Q. Daniel	G. Samuel Milam	Parker Sims
F. E. Daugherty	Alton Mitchell	Wm. St. C. Stuart
L. M. Davisworth	Stanley C. Moebus	W. R. Tapp
Sam Dever	John B. Mollette	Carl M. Taylor
Garland Embry	Tyler F. Munford	Gabe B. Taylor
A. H. Eversole	Rodes K. Myers	Joe L. Wall
Raymond Eyl	Homer Neikirk	Henry Ward
Chas. P. Farnsley	Luster C. Oxley	H. L. Waterfield
Ferd A. Gnau	Mel Petry	R. E. West
Ralph Hamilton	Henry Plum	W. G. Williams
S. T. Hamilton	H. O. Porter	Terrill A. Wilson
C. L. Hammons	Kleber F. Price	

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Those who voted in the negative were—

Geo. P. Anderson	Peter P. Mattingly	A. Frank Tabb
F. C. Boyd	C. C. May	Erna E. Tyra
C. C. Byrne	H. H. McGuire	Cass R. Walden
J. F. Carr	William E. Mull	L. Roger Wells
George S. Clay	Joe E. Robinson	John M. Williams
Herbert Cook	John C. Robinson	James W. Young
C. A. Hale	E. A. Rose	—20

The amendment as proposed by the Committee to the title of said bill, is as follows, viz:

Amend the title to S. B. 87 by inserting in the title in the second to last line following the word "hereunder" the words: "providing for a referendum and fixing the method thereof"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Farnsley moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in amendments proposed and adopted by this House to a bill which originated in the Senate, entitled:

S. B. 90. An Act to amend "An Act authorizing the establishment of free public libraries in cities of the second and third classes" etc.

And respectfully request the House to recede from said amendments.

(For bill with amendments thereto as proposed and adopted by the House, see House Journal of February 28)

Mr. Myers moved that the House do now recede from said amendments.

Said motion was disagreed to.

Thereupon Mr. Myers moved that the Speaker appoint a Committee on Conference on the part of the House to meet with a like Committee on the part of the Senate, to settle the differences between the two Houses.

Said moion was agreed to.

Thereupon the Speaker appointed Messrs. Ward, Naff and Moebus as members constituting said Committee on Conference, on the part of the House.

Ordered that the Chief Clerk report the action of this House to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from Six Thousand Five Hundred Dollars ($6,500.00), to Ten Thousand ($10,000) Dollars.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4357-1, Carroll's Kentucky Statutes, Bald-

win's 1936 Revision, be, and the same is hereby amended and re-enacted to read as follows:

That after the expiration of the term of the present incumbant, the compensation in full of the Governor shall be Ten Thousand Dollars ($10,000), per annum to be paid monthly out of the Treasury.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	S. T. Hamilton	Henry Plum
J. Everett Bach	C. L. Hammons	Kleber F. Price
William T. Baker	Ben W. Johnson	Ed F. Prichard
Rell Bevins	Clyde D. Lester	Grover C. Ransom
F. C. Boyd	Carl Lyttle	E. S. Robey
C. P. Bradbury	Peter P. Mattingly	Joe E. Robinson
C. C. Byrne	T. B. McConnell	John C. Robinson
George S. Clay	J. H. McKinney	William T. Rollo
H. S. Cleveland	G. Samuel Milam	Carl Scheben
T. Fowler Combs	Alton Mitchell	Leon J. Shaikun
John C. Cornett	Stanley C. Moebus	W. S. Shanklin
G. Cunningham	John B. Mollette	Parker Sims
F. E. Daugherty	William E. Mull	W. R. Tapp
Sam Dever	Tyler F. Munford	Gabe B. Taylor
A. H. Eversole	Rodes K. Myers	Erna E. Tyra
Raymond Eyl	Alfred A. Naff	Henry Ward
Chas. P. Farnsley	Homer Neikirk	L. Roger Wells
Ferd A. Gnau	Luster C. Oxley	R. E. West
C. A. Hale	Mel Petry	James W. Young

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Those who voted in the negative were—

J. F. Carr	Carl M. Taylor	John M. Williams
Herbert Cook	H. L. Waterfield	—5

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 35. An Act to prevent the spread of venereal diseases through marriage and to provide for an antenuptial physical examination to determine the presence of venereal diseases and to provide a penalty for the violation of the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person making application for license to marry shall at any time within fifteen days prior to such application be examined as to the existence or non-existence in such person of any venereal disease, and it shall be unlawful for the County Clerk of any County, to issue a license to marry to any person who shall have failed to present and file with such County Clerk a certificate setting forth that such person is free from any venereal disease. In order to obtain a certificate as required in this Act, each party to a proposed marriage shall, within fifteen days prior to making application for license to marry, submit to medical examination for the presence of venereal disease. Such examination shall include physical examination and laboratory test or tests. All

laboratory tests required by this Act shall be made by the State Department of Health of Kentucky, or a laboratory which is approved by the State Board of Health of Kentucky. Such tests as may be made by the State Department of Health of Kentucky shall be free of charge. Laboratory tests shall include a Khan test for syphilis, a dark field test where indicated, or any other recognized test or tests approved by the State Board of Health of Kentucky, and a microscopic test for gonococci when indicated. Each specimen for laboratory tests for syphilis and for gonorrhea shall be submitted in manner prescribed by the State Board of Health of Kentucky. If, on the basis of negative laboratory and clinical findings the physician in attendance finds no evidence of venereal disease, he shall issue a certificate to the examince to that effect on a form prescribed by the State Health Commissioner of Kentucky. Such certificate of negative findings as to each of the parties to a proposed marriage shall be filed with the County Clerk at the time application for a license to marry is made.

Provided: In the event that the female applicant for marriage license makes an affidavit to the effect that marriage is necessary for the reason that she is with child and that such marriage will confer legitimacy on the unborn child, the County Judge of the County where the application for marriage license is made is hereby empowered and authorized to hear and determine on medical testimony the question of pregnancy and on adjudging that pregnancy exists shall order the County Clerk to issue the marriage license provided all the other requirements of laws regulating the issuance of marriage licenses are complied with even though the physical examination and laboratory test or tests reveal that one or both have a venereal disease or diseases and in said order the County Judge shall further provide that one or both having venereal disease or diseases shall be treated for same as provided by the State Board of Health of Kentucky.

Provided further: If both applicants for a marriage license

have the same venereal disease or diseases and if there exists sterility in one or both of said applicants, the County Judge of the County where the application for marriage license is made is hereby empowered and authorized to hear medical testimony on the question of the existence of sterility and of the probability of spread of said venereal disease or diseases through marriage and on adjudging that sterility exists in one or both of said applicants and that both said applicants have the same venereal disease or diseases shal order the County Clerk to issue the marriage license provided all other requirements of laws regulating the issuance of marriage licenses are complied with and in said order the County Judge shall further provide that both parties to said proposed marriage shall be treated for venereal disease or diseases as provided by the State Board of Health of Kentucky.

§ 2. When an applicant has been refused a marriage license, such applicant shall have the right to appeal within sixty (60) days from the date of such refusal to the circuit Court in the county wherein application was denied. The Court shall try such appeal summarily without the intervention of a jury upon the evidence and certificate or certificates of the medical examiner or examiners, and such other pertinent evidence as may be offered and if the applicant is found free of venereal disease the Court shall order the County Clerk to issue a license, provided all the other requirements of law regulating the issuance of marriage licenses are complied with.

§ 3. A license issued in accordance with the provisions of this Act shall be valid for thirty (30) days, after which time it shall become invalid.

§ 4. Any County Clerk who shall unlawfully issue a license to marry to any person who fails to present and file a certificate as required in this Act and any physician who shall knowingly and wilfully make any false statement in any certificate given by such physician under this Act and any other

person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred ($100.00) Dollars or imprisoned for not more than thirty (30) days in jail, or both.

Mr. Myers offered the following amendment to said bill, viz:

Amend S. B. 35 by adding the following: This Act shall become effective on March 1, 1940.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ferd A. Gnau	J. H. McKinney
William T. Baker	C. A. Hale	Stanley C. Moebus
C. P. Bradbury	Ralph Hamilton	John B. Mollette
C. C. Byrne	S. T. Hamilton	William E. Mull
J. F. Carr	C. L. Hammons	Tyler F. Munford
H. S. Cleveland	Ira W. Hulette	Rodes K. Myers
T. Fowler Combs	John M. Hunnicutt	Alfred A. Naff
G. Cunningham	W. H. Hunt	Homer Neikirk
Norman A. Curtis	William K. King	Luster C. Oxley
Willard Q. Daniel	Clyde D. Lester	Mel Petry
F. E. Daugherty	D. T. Matlack	Henry Plum
Sam Dever	Peter P. Mattingly	H. O. Porter
A. H. Eversole	M. T. McCarthy	Kleber F. Price
Raymond Eyl	Elmer McGlothen	Ed F. Prichard
Chas. P. Farnsley	H. H. McGuire	Grover C. Ransom

Thomas Rigdon	Leon J. Shaikun	Henry Ward
E. S. Robey	Parker Sims	H. L. Waterfield
Joe E. Robinson	A. Frank Tabb	L. Roger Wells
William T. Rollo	W. R. Tapp	James W. Young
E. A. Rose	Carl M. Taylor	Mr. Speaker
Clarence Rush	Gabe B. Taylor	
Carl Scheben	Joe L. Wall	—64

Those who voted in the negative were—

Herbert Cook	Hobart Rayburn	W. S. Shanklin

—3

Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the voted by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the House do now recess until eight o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of eight o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 372. An Act relating to motor vehicle operators' licenses, repealing, amending and re-enacting Sections 2739m-33, 2739m-35, 2739m-37, 2739m-41 etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 18)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

1. Amend H. B. 372, page 6, Section 6, line 3 and 4 by striking therefrom the words "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant"

2. Amend H. B. 372, page 7, section 7, lines 3, 4 and 7 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following "the Department of Revenue or a Circuit Court having jurisdiction over the defendant"

3. Amend H. B. 372 page 8, section 6, line 23, by striking therefrom the following words: "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant"

4. Amend H. B. 372 page 8, section 7, lines 19, 24, 26, 30, 36 and 39 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant"

5. Amend H. B. 372, page 9 Section 9 by adding after the period on line 11 the following:

"No person shall be required to take the examination provided by this section while, who, prior to the effective date of this Act, is the holder of a driver's license issued by the Commonwealth of Kentucky, provided, however, that should any driver's license be revoked or suspended for cause the person so convicted shall apply for reinstatement at the termination

of the suspension period by submitting to the examination herein provided. The holder of a license shall be entitled to a renewal of same without examination unless the holder's license to operate an automobile in the Commonwealth of Kentucky shall have been suspended or revoked by the Department of Revenue or a Circuit Court having jurisdiction over the person of the defendant."

6. Amend H. B. 372, on page 11, Section 12, line 28, by striking therefrom the words "the State Highway Patrol" and inserting in lieu therefor the following: "The Department of Revenue"

7. Amend H. B. 372, on page 11, section 12, line 34 and 36, by striking therefrom the words "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant"

8. Amend H. B. 372 on page 12, Section 12, line 41 and 43 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following: "Department of Revenue"

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	George S. Clay	Sam Dever
J. Everett Bach	H. S. Cleveland	Garland Embry
William T. Baker	T. Fowler Combs	A. H. Eversole
F. C. Boyd	G. Cunningham	Raymond Eyl
C. P. Bradbury	Norman A. Curtis	Ferd A. Gnau
C. C. Byrne	Willard Q. Daniel	C. A. Hale
J. F. Carr	F. E. Daugherty	Ralph Hamilton

S. T. Hamilton	H. O. Porter	Carl M. Taylor
John M. Hunnicutt	Kleber F. Price	Gabe B. Taylor
W. H. Hunt	Ed F. Prichard	S. J. Wagner
Ben W. Johnson	Grover C. Ransom	Cass R. Walden
Clyde D. Lester	Hobart Rayburn	Joe L. Wall
Carl Lyttle	Joe E. Robinson	Henry Ward
Peter P. Mattingly	John C. Robinson	R. E. West
M. T. McCarthy	William T. Rollo	J. D. White
Elmer McGlothen	Carl Scheben	John M. Williams
J. H. McKinney	Leon J. Shaikun	W. G. Williams
William E. Mull	W. S. Shanklin	Lee Roy Wilson
Rodes K. Myers	Parker Sims	James W. Young
Homer Neikirk	Wm. St. C. Stuart	Z. Taylor Young
Mel Petry	A. Frank Tabb	—63

Those who voted in the negative were—

Herbert Cook	Alton Mitchell	H. L. Waterfield
C. L. Hammons	Stanley C. Moebus	
D. T. Matlack	Erna E. Tyra	—7

Mr. Myers moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon etc.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of February 24)

Said amendments as proposed and adopted by the Senate are as follows, viz:

1. Amend H. Res. 80 by adding after the name "John Tackett" in line 3 thereof, the name "Fletcher Davis"

2. Amend H. Res. 80 by adding in line 5, page one of the printed bill, after the name "Shields" the following additional names "Corinne Crumbaugh, Edith Hamilton"

And the following amendment to the title of said resolution, viz:

Amend the title to H. Res. 80 by adding after the name "Shields" the following additional names: "Corinne Crumbaugh, Edith Hamilton and Fletcher Davis"

Said amendments were each and severally concurred in.

Said resolution was passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. A. Hale	Ed F. Prichard
J. Everett Bach	Ralph Hamilton	Grover C. Ransom
William T. Baker	S. T. Hamilton	Hobart Rayburn
F. C. Boyd	C. L. Hammons	Joe E. Robinson
C. P. Bradbury	John M. Hunnicutt	John C. Robinson
C. C. Byrne	W. H. Hunt	William T. Rollo
J. F. Carr	Ben W. Johnson	Carl Scheben
George S. Clay	Clyde D. Lester	Leon J. Shaikun
H. S. Cleveland	Carl Lyttle	W. S. Shanklin
T. Fowler Combs	Peter P. Mattingly	Parker Sims
G. Cunningham	M. T. McCarthy	Wm. St. C. Stuart
Norman A. Curtis	Elmer McGlothen	A. Frank Tabb
Willard Q. Daniel	J. H. McKinney	Carl M. Taylor
F. E. Daugherty	William E. Mull	Gabe B. Taylor
Sam Dever	Rodes K. Myers	S. J. Wagner
Garland Embry	Homer Neikirk	Cass R. Walden
A. H. Eversole	Mel Petry	Joe L. Wall
Raymond Eyl	H. O. Porter	Henry Ward
Ferd A. Gnau	Kleber F. Price	H. L. Waterfield

R. E. West	J. M. Williams	Terrill A. Wilson
J. D. White	W. G. Williams	James W. Young

—63

Those who voted in the negative were—

Herbert Cook	Alton Mitchell	Erna E. Tyra
D. T. Matlack	Stanley C. Moebus	

—5

Mr. Hunnicutt moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statute, pertaining to jurisdiction of Notary Publics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A notary public appointed for any county of the state, upon filing in the county clerk's office in any county in the state, his autograph signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as such notary public, and paying to said county clerk, where said signature and certificate are filed, a fee of one dollar, may exercise all the functions of his office, in the county in which such autograph signature and certificate are filed with the same effect in all respects as if the same were exercised in the county in which he resides and for which he was appointed. The county clerk of a county in whose office any notary public has so filed his autograph signature and such certificate shall, when so re-

quested, subjoin to any certificate of proof or acknowledgment signed by such notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his autograph signature in his office, and was at the time of taking such proof or acknowledgement duly authorized to take the same; that he is well acquainted with the handwriting of such notary public and believe that the signature to such proof or acknowledgment is genuine, and thereupon the instrument so proved or acknowledged and certified shall be entitled to be read in evidence or to be recorded in any of the counties of this state in respect to which a certificate of a county clerk may be necessary for either purpose.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	G. Cunningham	C. L. Hammons
C. W. Anderson, Jr.	Norman A. Curtis	W. H. Hunt
J. Everett Bach	Willard Q. Daniel	Clyde D. Lester
William T. Baker	F. E. Daugherty	Carl Lyttle
F. C. Boyd	Sam Dever	Peter P. Mattingly
C. P. Bradbury	Garland Embry	C. C. May
C. C. Byrne	A. H. Eversole	M. T. McCarthy
J. F. Carr	Ferd A. Gnau	Elmer McGlothen
George S. Clay	C. A. Hale	H. H. McGuire
T. Fowler Combs	Ralph Hamilton	J. H. McKinney
Herbert Cook	S. T. Hamilton	Stanley C. Moebus

William E. Mull	Joe E. Robinson	S. J. Wagner
Tyler F. Munford	John C. Robinson	Cass R. Walden
Rodes K. Myers	William T. Rollo	Joe L. Wall
Homer Neikirk	Carl Scheben	Henry Ward
H. O. Porter	Leon J. Shaikun	H. L. Waterfield
Ed F. Prichard	Parker Sims	R. E. West
Grover C. Ransom	Wm. St. C. Stuart	J. D. White
Hobart Rayburn	A. Frank Tabb	John M. Williams
Thomas Rigdon	Carl M. Taylor	Lee Roy Wilson
E. S. Robey	Gabe B. Taylor	James W. Young

—63

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interest of the Commonwealth of Kentucky by enabling the State Board of Agriculture to co-operate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Agriculture is authorized and empowered to co-operate with County Fairs and Community Fairs in the Commonwealth of Kentucky by supplementing premiums offered at such fairs for exhibits of cattle, hogs, sheep, mules, jacks, jennets, and other livestock, poultry; for breeding classes for horses including two years old

or under and for breeding stock of any age; and for any and all classes of fruits, vegetables, seeds or other crops for which exhibits are had at such fairs to the extent of from $500 to $1000 annually, provided the fair association receiving such support offers at least an equal amount in these classes. If the fair association offers a lesser amount the financial support of the Commonwealth of Kentucky will be reduced in proportion thereto.

§ 2. That any fair association offering special prize money for 4-H Club or for Smith-Hughes Agricultural student projects may receive an additional sum ranging from $250 to $500 provided each fair appropriates an equal amount in these classes.

§ 3. The State Board of Agriculture is authorized to make such rules and regulations as may be necessary for carrying this act into effect, and to issue an order to the State Treasurer for payment of funds due each fair complying with its rules upon receipt of an accruate and complete report from the secretary and president of the fair claiming financial assistance under this act.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William T. Baker	C. C. Byrne
Geo. P. Anderson	F. C. Boyd	J. F. Carr
J. Everett Bach	C. P. Bradbury	George S. Clay

T. Fowler Combs	C. C. May	William T. Rollo
Herbert Cook	M. T. McCarthy	Carl Scheben
G. Cunningham	Elmer McGlothen	W. S. Shanklin
Norman A. Curtis	H. H. McGuire	Parker Sims
Willard Q. Daniel	J. H. McKinney	Wm. St. C. Stuart
F. E. Daugherty	Stanley C. Moebus	A. Frank Tabb
Sam Dever	William E. Mull	Carl M. Taylor
Garland Embry	Tyler F. Munford	Gabe B. Taylor
A. H. Eversole	Rodes K. Myers	S. J. Wagner
Ferd A. Gnau	Homer Neikirk	Cass R. Walden
C. A. Hale	H. O. Porter	Joe L. Wall
Ralph Hamilton	Ed F. Prichard	Henry Ward
S. T. Hamilton	Grover C. Ransom	H. L. Waterfield
C. L. Hammons	Hobart Rayburn	R. E. West
W. H. Hunt	Thomas Rigdon	J. D. White
Clyde D. Lester	E. S. Robey	John M. Williams
Carl Lyttle	Joe E. Robinson	Terrill A. Wilson
Peter P. Mattingly	John C. Robinson	James W. Young

—63

There voted in the negative—

D. T. Matlack —1

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 37. An Act to amend section one hundred of the constitution of the Commonwealth of Kentucky so as to permit women to hold public offices.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all members elected to each House of the General Assembly of the Commonwealth of Kentucky, the ayes and nays being taken thereon and entered in full in their respective journals, Section One hundred (100) of the Constitution be and it is hereby proposed to be amended by adding thereto, the following.

"Women possessing the requisite qualifications shall be eligible to hold any public office."

§ 2. This amendment shall be published and submitted to the voters of the State for their ratification or rejection at the time and in the manner provided under Sections two hundred fifty-six and two hundred fifty-seven of the Constitution and Section one thousand four hundred fifty-nine of Baldwin's Revised Edition of Carroll's Kentucky Statutes.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	George S. Clay	Garland Embry
Geo. P. Anderson	H. S. Cleveland	A. H. Eversole
J. Everett Bach	T. Fowler Combs	Raymond Eyl
William T. Baker	G. Cunningham	Chas. P. Farnsley
B. F. Bedford	Norman A. Curtis	Ferd A. Gnau
F. C. Boyd	William J. Curtis	C. A. Hale
C. P. Bradbury	Willard Q. Daniel	Ralph Hamilton
C. C. Byrne	F. E. Daugherty	S. T. Hamilton
J. F. Carr	Sam Dever	C. L. Hammons

Ira W. Hulette	Alfred A. Naff	Wm. St. C. Stuart
Ben W. Johnson	Homer Neikirk	A. Frank Tabb
William K. King	Mel Petry	W. R. Tapp
Clyde D. Lester	H. O. Porter	Carl M. Taylor
Carl Lyttle	Kleber F. Price	Gabe B. Taylor
John Marshall	Grover C. Ransom	Erna E. Tyra
D. T. Matlack	Hobart Rayburn	Cass R. Walden
Peter P. Mattingly	Hubert H. Read	Joe L. Wall
C. C. May	Thomas Rigdon	Henry Ward
M. T. McCarthy	E. S. Robey	L. Roger Wells
Elmer McGlothen	Joe E. Robinson	R. E. West
G. Samuel Milam	John C. Robinson	J. D. White
Alton Mitchell	Clarence Rush	John M. Williams
Stanley C. Moebus	Carl Scheben	Lee Roy Wilson
William E. Mull	Leon J. Shaikun	Terrill A. Wilson
Tyler F. Munford	W. S. Shanklin	James W. Young
Rodes K. Myers	Parker Sims	—77

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 118. An Act amending Chapter forty-two (42) of the Acts of the General Assembly of nineteen thirty-six (1936), being Section four thousand three hundred ninety-three (4399-3), Carroll's Kentucky Statute, 1936 edition relating to independent school districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter forty-two (42) of the Acts of the General Assembly of nineteen thirty six (1936) being Section four

thousand three hundred ninety-nine-three (4399-3), Carroll's Kentucky Statutes, 1936 Edition, be and the same is amended by repealing said Section in its entirety and re-enacting same so that as amended and re-enacted said Section will read as follows, to wit:

Section 4399-3. Independent school districts. All school districts embracing cities of the first five classes together with the territory within their limits, including any territory which has heretofore been added for school purposes outside of the limits of such cities or districts, and any territory which may be included by any future change in the limits of such cities, and all independent graded common school districts having a school census enumeration of two hundred (200) or more white children shall hereafter be known and designated as independent school districts, provided that no such district other than cities of the first, second, third, fourth, and fifth classes, operating as independent districts at the time this Act becomes effective, shall continue to operate when its school census enumeration of white children falls below two hundred (200) pupils unless it appears to the State Board of Education that the district can maintain a more efficient program of school service by operating as an independent district. The State Board of Education may permit an independent graded common school district existing at the time of the passage of this Act with a census enumeration of white children below two hundred (200) to operate as a temporary independent school district for one-year periods beginning with July first (1), nineteen thirty-eight (1938), if it appears to the State Board of Education that such district can maintain a more efficient program of school service by operating as a temporary independent district, and the decision of the State Board of Education shall be final; provided, at the end of each one-year period the State Board of Education may permit such independent district to operate for an additional one-year period on the condition that such inspection as the State Board

of Education may make shows that it is operating a school in accordance with the school law and standards, rules, and regulations set up by the State Board of Education. The State Board of Education may by order make any temporary independent school district a part of the county district whenever the same is not complying with the school law and the standards, rules, and regulations of the State Board of Education, and after it has been given a reasonable time, to be fixed by the State Board of Education, within which to so comply. The first application of such district to operate as a temporary independent district shall be filed with the State Board of Education not later than July first (1), nineteen thirty-eight (1938). Each subsequent application of such independent district to operate as a temporary independent district for an additional one-year period shall be filed with the State Board of Education not later than May first (1). Each independent school district shall maintain at least an approved twelve-grade school service for the white children residing in its district. Provided, however, any independent school district that maintains within the district at least an approved ten-grade school service for the white children residing in its district, may furnish free transportation for white children residing within the district to attend school in an adjoining district for completing the eleventh and twelfth grade school work and provide by contract with an adjoining district, which maintains at least an approved twelve-grade program of school service, for such children procuring eleventh and twelfth grade service in such adjoining district. Providing further that each independent school district shall provide by establishment or by contract with another district for at least an approved twelve-grade program of school service for its colored children.

All laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	John C. Robinson
Geo. P. Anderson	Ben W. Johnson	William T. Rollo
William T. Baker	William K. King	Clarence Rush
B. F. Bedford	Clyde D. Lester	Carl Scheben
C. P. Bradbury	Carl Lyttle	Leon J. Shaikun
C. C. Byrne	John Marshall	W. S. Shanklin
J. F. Carr	D. T. Matlack	Parker Sims
George S. Clay	Peter P. Mattingly	Wm. St. C. Stuart
H. S. Cleveland	M. T. McCarthy	A. Frank Tabb
T. Fowler Combs	Elmer McGlothen	W. R. Tapp
John C. Cornett	J. H. McKinney	Carl M. Taylor
G. Cunningham	Stanley C. Moebus	Gabe B. Taylor
William J. Curtis	William E. Mull	Erna E. Tyra
Willard Q. Daniel	Tyler F. Munford	Cass R. Walden
F. E. Daugherty	Rodes K. Myers	Joe L. Wall
Sam Dever	Alfred A. Naff	Henry Ward
Garland Embry	Homer Neikirk	H. L. Waterfield
Raymond Eyl	Mel Petry	L. Roger Wells
Ferd A. Gnau	Henry Plum	J. D. White
C. A. Hale	H. O. Porter	John M. Williams
Ralph Hamilton	E. F. Prichard	W. G. Williams
S. T. Hamilton	Grover C. Ransom	Lee Roy Wilson
C. L. Hammons	Hobart Rayburn	Terrill A. Wilson
Ira W. Hulette	E. S. Robey	
John M. Hunnicutt	Joe E. Robinson	—73

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 119. An Act to amend an act, entitled an act to amend an act, in relation to the Kentucky State Board of Dental Examiners, which act became effective June 5, 1932, and being Section 2636 with its 23 subsections of Carroll's Kentucky Statutes, and to regulate the practice of dentistry in the State of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2636 Carroll's Edition of the Kentucky Statutes, with its twenty-three sub-sections be repealed, amended and re-enacted so that when repealed, amended and re-enacted it shall read as follows:

§ 1. That the Kentucky State Board of Dental Examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to carry out the purposes and enforce the provisions of this Act as hereafter specified. The members of said board shall be appointed by the Governor from a list of three names, to be recommended by the Kentucky State Dental Association, at its annual meeting, and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this State for a period of five years or more immediately preceding their appointment:

Provided, however, That no person shall be eligible to appointment to said board who is in any way connected with

or interested in any dental college or dental department of any institution of learning or dental supply business. The term for which the members of said Board shall hold office shall be five years, provided the present members of the board in office at the time of the passage of this Act shall continue in office until their respective terms have expired and until their successors are appointed and qualified. All vacancies in said board shall be filled by the Governor from said list.

§ 2. Said Board of Dental Examiners shall choose one of its members President, and one Secretary-Treasurer, thereof, at an annual meeting on the first Tuesday in June of each year. Said board may meet oftener if necessary in the discretion of the board at such places as it may deem proper, for the examination of applicants who desire to practice dentistry in this State, and for the transaction of any other business that may come before it. Said board shall keep a record book in which shall be registered the names, addresses, license numbers, of all persons legally entitled to practice dentistry in this State. A majority of the members of said board shall at all times constitute a quorum for the transaction of business, and the proceedings of said Board shall be recorded in a minute book open at all reasonable times to public inspection. The Secretary-Treasurer shall execute to the said board bond with approved security for the faithful performance of his duties.

Said Board of Dental Examiners shall have power to make rules and regulations for its own conduct and procedure, may provide for the affiliation with the National Association of Dental Examiners and send delegates to its meetings and pay the expense thereof; to select the subjects and the standard of proficiency and percentage for examinations to practice dentistry; to employ an attorney to advise and assist it in carrying out and enforcing the provisions of this Act and

pay him a reasonable compensation therefor, and to regulate the practice of dentistry in this State not contrary to law.

§ 3. No person shall practice dentistry in this State or attempt to do so after the passage of this Act without first applying for and obtaining a license for such purpose from the said Kentucky State Board of Dental Examiners, and registering such license as herein provided, and this provision applies to all persons whether they have heretofore practiced dentistry or not in this State, except such persons as have been heretofore licensed and registered. Application shall be made to the said board in writing for license and shall in every instance be accompanied by the examination fee of forty dollars which sum is authorized to be charged for each examination by said Board. The applicant must be of good moral character, at least twenty-one years of age at the time of making the application, and the application of each person seeking a license must be accompanied by satisfactory evidence to said board that the applicant so applying, is a graduate of and has a diploma from the faculty of a reputable dental college, school, or dental department of a reputable university rated as acceptable by the Board of Dental Examiners. The Board of Dental Examiners shall rate dental colleges, dental schools, or dental departments of a university or it may accept the ratings as issued by accrediting bodies approved by the Board of Dental Examiners.

Examinations must be clinical and written and of such a character as to satisfactory test the qualifications of the applicant to practice dentistry, and he board may, in its discretion, refuse to grant license to any person they find guilty of cheating, deception, or fraud during such examination. Examination papers and clinical examinations results where possible shall be retained by the Secretary of the board for a period of two years.

§ 4. Every person licensed to practice dentistry in this State by the said Kentucky State Board of Dental Examiners,

as herein provided shall, before beginning the practice of dentistry, cause said license to be registered with the county clerk of each county in which such person desires to engage in the practice of dentistry by appearing before such clerk and filing his affidavit, showing that he has been examined and licensed as herein provided, and the county clerk of each county before whom such persons appear shall attest the filing of the license certificate in duplicate on blanks furnished to the licensee by the Board, one copy to be retained by the licensee and the other copy to be forwarded to the Secretary of the Board by the licensee, and the county clerk of each county is authorized to receive a registration fee of fifty cents for each registration.

§ 5. The license to practice dentistry herein provided, and the certificate of registration (together with the annual license renewal certificate) shall at all times be displayed in a conspicuous place in his or her office wherein he or she shall practice the profession of dentistry, and if there are more dentists than one practicing or employed, in any dental office, the proprietor of such office shall post and display or cause to be posted or displayed in like manner the name, license, and registration certificate of each dentist so practicing and so employed therein. Any person practicing dentistry withn the meaning of this Act, who shall fail to so post and display, or cause to be posted or displayed, the name, license, and registration certificate of himself and any person practicing or employed to practice as a dentist in his or her dental office shall be guilty of a misdemeanor, and upon conviction thereof they shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars, ($50.00), for the first offense, and for every subsequent offense he or she shall be subjected to a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment, for a period of not less than sixty days, or by both such fine and imprisonment, and he or she shall whenever requested, exhibit such

license to members of the Board of Dental Examiners or its authorized agent.

§ 6. The State Board of Dental Examiners may refuse to issue licenses for any of the following causes:

The presentation to the board of any diploma, license, or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized or irregular institution or state board, or the practice of any fraud or deception, or failure to meet the required standard of proficiency or percentage for examinations fixed by the State Board.

§ 7. Said Kentucky State Board of Dental Examiners may revoke or suspend or refuse to renew, the certificate of license of any dentist for any one or any combination of the following causes:

(1) A. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence.

(B) For renting or loaning to any person or persons his or her license or dimploma to be used by such person or persons or other person or persons as a license or diploma; or for illegally or fraudulently obtaining a license from the board.

(C) For unprofessional conduct, or for gross ignorance or inefficiency in his profession.

(2) Unprofessional conduct shall mean any one or any combination of the following acts:

A. Employing what are known as "cappers" or "steerers" to obtain business; or employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malpositioned formations thereof; or

B. The obtaining of any fee by fraud or misrepresenta-

tion; or wilfully betraying any professional secrets; or habitual intemperance or gross immorality, or the commission of a criminal operation; or advertising to use drugs, patents, nostrums, or proprietary medicines; or splitting of fees; or

C. Making use of any advertising statements of a character tending to deceive or mislead the public; or advertising professional superiority; or the performance of professional service in a superior manner; or advertising prices for professional service; or advertising credit or terms of credit; or advertising by means of large displays; or by electric signs, or by any illuminated sign; or any sign that sets forth more than the name, profession, title (such as D. D. S. or D. M. D.) and office hours of the dentist, the lettering or such sign must not exceed six inches in height; or by advertising by means of a sign or display which contans or is a representation or reproduction of a tooth, teeth, bridge work or any portion of the human head; or advertising free dental work, or free examinations; or advertising to guarantee any dental service; or to perform any dental operation, or act, painlessly; or

D. By employing or making use of advertising solicitors or free publicity press agents; or to announce their profession to the public in any manner other than as set forth in this Statute, and by professional card, which may contain only the name, title, (such as D. D. S. or D. M. D.), address, telephone number and office hours; provided, however, that any dentist that does confine himself or herself to any one branch of dental practice may also specify that his practice is limited to a specific branch of the dental practice and set forth the title of that branch.

(3) Large displays as used in this act shall mean any sign or display, the lettering of which is more than six inches in height.

§ 8. The proceedings under the immediately preceding section; namely, Revocation or Suspension of License, may be

taken by the Board from the matters within its knowledge, or may be taken upon the information of another; provided, however, that if the informant is a member of the board, the other members of the board shall constitute the board for the purpose of finding judgment of the accused. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deems it sufficient, make an order setting the same for hearing, and requiring the accused to appear and answered it at said hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least 10 days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assigns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuses to answer the charges, or, upon the hearing thereof, the board shall find them or any of them true, it may proceed to a judgment of either revoking his license or suspending it. The Board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the depositions of witnesses in the manner provided by law in civil cases and compel them to to attend before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the seal of the Board and in the name of the people of the State of Kentucky. Upon the revocation of any license the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as cancelled upon the data of its revocation. The secretary of the board shall, upon judgment of suspension or revocation being entered, transmit to the county recorder wherein the license of the licensee affected by such judgment is recorded a

copy of such judgment order, certified to as such by said secretary of the board, for record, and the same shall be recorded in the same manner and the same book wherein is kept the record of the certificate to practice dentistry. In case of a revocation of a license by the board the licentiate whose license shall have been revoked by the said board shall have the right to appeal from said revocation within thirty (30) days of the cancellation of said license. Such appeal shall be to the circuit court in and for the county in which was held the meeting of the board in which such revocation was made. In case a person desires to take such an appeal he shall serve, or cause to be served, upon the secretary of said board a written notice of such an appeal, and shall file in the office of such secretary an appeal bond with good and sufficient surety, to be approved by such secretary, to the State of Kentucky, conditioned for the speedy prosecution of such appeal and the payment of such costs as may be charged against him upon such appeal. Such secretary, within ten (10) days after the service of said notice of appeal, and the filing and approval of said bond, shall transmit to the clerk of the circuit court, to which said appeal is taken, a certified copy under the seal of said board of accusations on which the revocation was based, the ground for appeal, together with the notice and bond of appeal. The clerk of such court shall thereupon docket such appeal causes and they shall be tried in all respects as ordinary civil actions and like proceedings shall be had thereon. Either party may appeal from the judgment of this circuit court to the Court of Appeals in the manner as civil actions may be appealed thereto. The judgment shall be stayed from the date of the approval of said bond until final determination of said appeal.

§ 9. Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry from the State Board of Dental Examiners, to register said license with the county clerk of some county in this State within ninety days

from the date of issual of such license, or on removal to another county within the State, to cause his license to be registered in the same manner as above provided, shall work a forfeiture of such license, and no license when once forfeited shall be restored except upon payment to the said board of the sum of twenty-five dollars for such neglect, or refusal to register such license.

§ 10. In order to provide the means for carrying out and enforcing the provisions of this Act, the said board shall charge each person applying for an examination for a license to practice dentistry in this State an examination fee of forty dollars, and in addition thereto, a fee of five dollars for every license and five dollars for every duplicate license issued by said board, and out of the funds coming into possession of the said board under the provisions of this Act, the members of said board shall each receive as compensation the sum of ten dollars for each day actually engaged in the duties of the office, and all necessary expenses incurred in attending the meetings of said board; provided that the secretary of the board shall be allowed reasonable salary to be fixed by the board and no per diem: All expenses shall be paid from the fees and penalties received and recovered by the board under the provisions of this Act; provided that no part of said expenses shall be paid out of the State Treasury. All money received in excess of said per diem allowances and other expenses, herein provided shall be held by the Secretary-Treasurer of said board as a special fund for meeting the other expenses of said board, and for such use as the said board may deem necessary in the enforcement of this Act, and said board shall make an annual report of its proceedings to the Governor on or before the 31st day of December each year, showing all money received and disbursed by it pursuant to this Act.

§ 11. On or before the 31st day of December each year, every dentist legally licensed to practice dentistry in this State shall transmit to the Secretary of the said Board of

Dental Examiners his signature and address, together with the fee of three dollars and the number of his or her registration certificate, and receive therefor a renewal license certificate. Provided that the license shall not be renewed, if the holder thereof has not been in active practice for five years immediately preceeding. Any license granted by said board shall be cancelled and annulled if the holder thereof fails to secure the removal certificate herein provided for by March 1st of each year, provided any license thus cancelled may be restored by the board upon the payment of fee of twenty-five dollars if paid within one year after such cancellation.

§ 12. Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification or qualification, shall be deemed guilty of a felony and be punished upon conviction by imprisonment in the penitentiary of not less than one or more than five years.

Any person who shall assist any applicant to cheat or deceive the examining board or member thereof, or who shall give or attempt to give assistance to any applicant in the course of his or her examination, or assist any applicant to fraudulently obtain any license to which the applicant is not entitled shall upon conviction thereof be adjudged guilty of a misdemeanor.

§ 13. Any person shall be regarded as practicing dentistry within the meaning of this Act, who shall diagnose, or profess to diagnose, x-ray, or treat or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, maxillary bones (or their dependent tissues), or extract teeth, or shall prepare or fill cavities in human teeth, correct malposition of teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer anestheics, general or local, or any other practice included in the curricula of recognized dental colleges, or who shall use the word "Dentist", dental surgeon, dental laboratory the letters D. D. S., D. M. D., or other letters or titles in connection with his or her name, or in

any other manner represent themselves as being engaged in the practice of dentistry. Provided, that nothing in this Act shall be so construed as to prevent regularly licensed physicians and surgeons from extracting teeth or treating any disease coming within the province of the practice of medicine.

§ 14. All dentists of this State shall be exempt from service as jurors in any of the courts of this State.

§ 15. All licenses issued by said board shall bear a serial number, the full name of the applicant, the date of the issue, the seal of the board, and be signed by a majority of the members, and attested by its President and Secretary.

§ 16. It shall be unlawful for any person or persons to offer to practice dentistry or dental surgery under the name of any company, association, or corporation, and every person or persons practicing or offering to practice dentistry or dental surgery, shall practice under his or her own respective name or names only, and shall not use his name in connection with that of another dentist.

§ 17. Any person who shall practice or attempt to practice dentistry in this State without having been licensed and registered for that purpose, or who has had his license revoked or who shall at the time have his license suspended, as herein provided, or who shall violate any of the provisions of this Act, for which no specific penalty has been provided herein, shall be subject to fine of not less than one hundred dollars nor more than five hundred dollars for the first offense. Each offense shall constitute a practicing of dentistry within the meaning of this Act and each day that a person shall hold himself out as practicing dentistry within the meaning of this Act, and each day that a person shall hold himself out as practicing in any name except his own shall be deemed a separate offense. Any person who shall be guilty of a second offense shall be deemed guilty of a felony and upon conviction shall be punished by a fine of one hundred dollars nor more than five hundred dollars or imprisonment of six months or

both. The opening of an office for the purpose of practicing dentistry, or to announce to the public in any way a readiness to do any act defined herein as being dentistry, shall be deemed to engage in the practice of dentistry, within the meaning of this Act.

§ 18. All fees, imposed and collected under the provisions of this Act, shall be paid to the Secretary-Treasurer of the Kentucky State Board of Dental Examiners for the use of said Board.

§ 19. Legally licensed druggists of this State may fill prescriptions of legally licensed dentists of this State for any drug necessary to the practice of dentistry. Dentists may sign death certificates the same as physicians, when necessary in the line of their profession.

§ 20. This Act shall not prevent students from performing dental operations under the supervision of competent instructors within the dental school, college, or dental department of a university recognized by the Kentucky State Board of Dental Examiners: Provided, the board at its discretion may authorize the students of any dental college, dental school, or dental department of a university to practice dentistry, in any of the state or municipal institutions, or public schools, or under the board of health, or public clinic, or charitable institution; provided they are at all times under the direct supervision of a licensed dentist in Kentucky, who is an instructor of the institution at which the students are studying.

The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional the decisions of the courts shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as a legislative intent that this Act would have been adopted had not such unconstitutional provisions been included therein.

§ 21. All laws or parts of laws in conflict with this Act

and subsections 15, 16, 17 of the Act of 1912, Kentucky Statutes, section 2636, are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Thomas Rigdon
J. Everett Bach	Ira W. Hulette	E. S. Robey
William T. Baker	John M. Hunnicutt	William T. Rollo
B. F. Bedford	W. H. Hunt	E. A. Rose
C. P. Bradbury	Clyde D. Lester	Carl Scheben
C. C. Byrne	John Marshall	Leon J. Shaikun
J. F. Carr	Peter P. Mattingly	W. S. Shanklin
H. S. Cleveland	M. T. McCarthy	Parker Sims
T. Fowler Combs	Jas. H. McKinney	Wm. St. C. Stuart
John C. Cornett	Alton Mitchell	A. Frank Tabb
G. Cunningham	Stanley C. Moebus	Carl M. Taylor
Norman A. Curtis	William E. Mull	Gabe B. Taylor
William J. Curtis	Rodes K. Myers	Henry Ward
Willard Q. Daniel	Henry Plum	L. Roger Wells
F. E. Daugherty	H. O. Porter	R. E. West
A. H. Eversole	E. F. Prichard	J. D. White
C. A. Hale	Grover C. Ransom	J. M. Williams
Ralph Hamilton	Hobart Rayburn	James W. Young
S. T. Hamilton	Hubert H. Read	—56

Those who voted in the negative were—

Herbert Cook	Ben W. Johnson	C. C. May
Ferd A. Gnau	William K. King	Elmer McGlothen

Alfred A. Naff	Joe E. Robinson	Erna E. Tyra
Homer Neikirk	John C. Robinson	Joe L. Wall
Mel Petry	Clarence Rush	H. L. Waterfield
Kleber F. Price	W. R. Tapp	Lee Roy Wilson

—18

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6(2) relating to Confederate pensions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 42, Acts 1930, page 322, now Section 415b-6 (2) of the 1936 Edition, Carroll's Kentucky Statutes, be amended and re-enacted, so that when so re-enacted, it will read as follows:

That any confederate veteran who has been an actual bona fide resident of this State continuously since January 1, 1907, and who did actual military service in the confederate army from the date of his enlistment to the close of the war or until he was honorably discharged as an officer or private soldier or sailor in the military and naval service of the confederate states of America in the war of 1861 and 1865, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death and who has

not remarried again since the death of her veteran husband shall be paid out of the state treasury the sum of thirty ($30.00) dollars per month upon proof of the fact according to forms and regulations prescribed by this act and conditions therein; Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war, or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this act as though he had served until the close of the war, or until honorably discharged; and, provided further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this act unless he be re-enlisted or returned to the service in the confederate army, and served until the close of the war, or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service.

Mr. Hammons offered the following amendment to said bill, viz:

Amend S. B. 204 in Section 1, page 1, line 14 by striking the words and figures "thirty dollars ($30.00)" and inserting in lieu thereof the words and figures "forty-five dollars ($45.00)"

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	C. L. Hammons	Hobart Rayburn
Geo. P. Anderson	Ira W. Hulette	Hubert H. Read
J. Everett Bach	John M. Hunnicutt	Thomas Rigdon
William T. Baker	W. H. Hunt	Joe E. Robinson
B. F. Bedford	Ben W. Johnson	John C. Robinson
F. C. Boyd	Clyde D. Lester	William T. Rollo
C. P. Bradbury	Carl Lyttle	Clarence Rush
C. C. Byrne	John Marshall	Leon J. Shaikun
J. F. Carr	D. T. Matlack	W. S. Shanklin
George S. Clay	Peter P. Mattingly	Parker Sims
H. S. Cleveland	C. C. May	Wm. St. C. Stuart
T. Fowler Combs	M. T. McCarthy	A. Frank Tabb
John C. Cornett	Elmer McGlothen	W. R. Tapp
Norman A. Curtis	Jas. H. McKinney	Carl M. Taylor
William J. Curtis	G. Samuel Milam	Gabe B. Taylor
Willard Q. Daniel	Alton Mitchell	Erna E. Tyra
F. E. Daugherty	Stanley C. Moebus	S. J. Wagner
Sam Dever	William E. Mull	Henry Ward
Garland Embry	Rodes K. Myers	H. L. Waterfield
A. H. Eversole	Homer Neikirk	L. Roger Wells
Raymond Eyl	Mel Petry	J. D. White
Chas. P. Farnsley	Henry Plum	John M. Williams
Ferd A. Gnau	H. O. Porter	W. G. Williams
C. A. Hale	Kleber F. Price	Lee Roy Wilson
Ralph Hamilton	Ed F. Prichard	James W. Young
S. T. Hamilton	Grover C. Ransom	—77

There voted in the negative—

Herbert Cook —1

Resolved that the title thereof be as aforesaid.

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 18. An Act repealing, amending and re-enacting Sec. 2554c-1, Baldwin's Kentucky Statute Service, being Sec. 1 of Chapter 1 to increase from one per cent to three.two amount of alcohol contained in non-intoxicating beverages.

With an amendment thereto by way of Substitute therefor, as proposed and adopted by the Senate.

(For bill see House Journal of January 18)

Said Substitute as proposed and adopted by the Senate, is as follows, viz:

Senate Committee Substitute for House Bill No. 18.

An Act repealing amending and re-enacting section 2554c-1, Baldwin's Kentucky Statutes Service, being section 1 of chapter 1 of the Acts of the 1936 Regular Session of the General Assembly of the Commonwealth of Kentucky and providing for a referendum to be sumbitted to the voters of any precinct, district, town, city or county to determine when this Act shall become effective in each respective precinct, district, town, city, or county where under the Local Option Act such precinct, district, town, city or county are legally dry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2554c-1, Baldwin's Kentucky Statutes Service, being Section 1 of Chapter 1 of the Acts of the 1936 Regular Session of the General Assembly of the Commonwealth of

Kentucky be repealed, amended and re-enactd so as to read as follows:

1. Definitions.

Section 2554c-1. Definitions.—As used in this Act, the following terms, unless the text otherwise indicates, shall have the following meanings respectively:

(a) "Local Option Territory" or "Territory" means such county, city, town, district or precinct for which a petition shall be filed asking for an election to take the sense of the voters regarding the sale, barter and loan of intoxicating liquors as provided, and such governmental unit where a majority shall have voted in favor of prohibiting the sale barter or loan of said liquors or the possession or transportation thereof.

(b) "Spirituous, vinous or malt liquors" means respectively, intoxicating liquor, "Intoxicating Liquor" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter and wine and in addition thereto any spirituous, vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one percentum of alcohol by volume, which are fit for use for beverage purposes.

(c) The word "person" includes the singular and plural number, and shall mean and include a natural person, association, co-partnership or corporation.

(d) "Election" means an election to be held for the purpose of taking the sense of the people as to the prohibition or permission of the sale, barter or loan or spirituous, vinous or malt liquors in any territory.

(e) "Prohibition" means that the sale, barter or loan of intoxicating liquors have been rendered unlawful under the terms of this Act.

(f) "Local Option Law" refers to the provisions of this Act. Provided, however, that the definition of spirtuous, vinous or malt liquors and intoxicating liquors as used in this

Act shall not apply to malt beverages in any county, city, town, district or precinct not now legally Dry under the Local Option Act, same being Chapter 1 of the Acts of the 1936 regular session of the General Assembly of this Commonwealth, but which shall hereafter become legally Dry, if there shall be held in the manner hereinafter set out, a referendum in which the sense of the legal voters of such county, city, town, district or precinct may be taken, at which said referendum a majority of the votes cast shall be in favor of the sale in such county, city, town, district or precinct of non-intoxicating malt beverages containing not more than 3.2 per centum of alcohol by weight. I any county, city, town, district or precinct which may become legally Dry under the Local Option Act, a referendum shall be held whenever a petition is filed in the County Court Clerk's office of the County in which it is elected to hold a referendum and to which such petition there are attached signatures of voters of the local option territory in which a vote is asked, equal in number to 25 per cent of the total number of votes cast in the last regular election in said territory, designated by the peition to be voted in, at the next regular term of the County Court following the filing of the petition, and said referendum shall be held on the date pecified in the petition, which may be any date on which such an election may be held under the Constitution of the Commonwealth. Such referendum shall be held in substantially the same manner as are other elections and there shall be submitted to the voters in the territory where such referendum is held a question in substantially the following form, to wit:

"Are you in favor of the sale of non-intoxicating malt beverages containing not more than 3.2 per cent of alcohol by weight"

Yes.....

No .....

In the event a majority of the legal votes cast in a referendum held under the provisionof this Act, are in the affirma-

tive, then non-intoxicating malt beverages containing not more than three and two tenth percentum of alcohol by weight, shall be held legal in he territory in which said referendum was held. If a majority of the legal votes cast in such referendum election shall be in the negative, then the sale of such malt beverages shall continue to be illegal until the next local option election and referendum, if such be necessary to determine the sense of the legal voters on the question legalizing the sale of malt beverages as provided in this Act. The votes cast in the referendum shall be counted and certified in the same manner as the votes in other elections.

The petition calling for the referendum shall be filed not less than twenty-five nor more than sixty days before the date specified for the holding of the referendum, and such referendum shall be advertised for a period of at least two weeks in at least two issues of a newspaper of general circulation, printed and published in the county in which said referendum is called, or if there be no newspaper printed and published therein, by posting handbills in at least five conspicuous places in every precinct in which the referendum is to be held. The advertisement shall describe the time and place for the holding of the referendum and the question to be voted upon, must be stated in full.

Irrespective of Title or Article headings or the language used, it is the legislative intent to protect territory which is legally dry at the time of the passage of his Act, or which may hereafter become dry in accordance with the local option laws, and no referendum shall be held in such legally dry territory, until the termination of the three year period for which a local option election holds, such three years being determined by the date on which such local option election was actually held. The referendum provided for in this Act can only be called providing the local option election has banned intoxicating liquors from the territory or governmental unit in in which the referendum is called, and then only to determine

whether it is the sense of the voters that a non-intoxicating malt beverage containing not more than 3.2 percetum of alcohol by weight shall be permitted.

If any part or paragraph of this Act shall be held unconstitutional such decision shall not effect the constitutionality of the balance of the Act as it is declared to be the legislative intent to enact each sentence, part and paragraph separately.

Said Substitute was then adopted.

Said bill was then passed, as amended,

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ben W. Johnson	Carl Scheben
Geo. P. Anderson	William K. King	Leon J. Shaikun
J. Everett Bach	Carl Lyttle	W. S. Shanklin
William T. Baker	John Marshall	Wm. St. C. Stuart
B. F. Bedford	D. T. Matlack	W. R. Tapp
George S. Clay	Peter P. Mattingly	Carl M. Taylor
T. Fowler Combs	M. T. McCarthy	Gabe B. Taylor
John C. Cornett	G. Samuel Milam	Erna E. Tyra
G. Cunningham	William E. Mull	S. J. Wagner
Norman A. Curtis	Tyler F. Munford	Joe L. Wall
F. E. Daugherty	Rodes K. Myers	Henry Ward
L. M. Davisworth	Alfred A. Naff	H. L. Waterfield
Sam Dever	Mel Petry	L. Roger Wells
Raymond Eyl	Ed. F. Prichard	R. E. West
Chas. P. Farnsley	Grover C. Ransom	J. D. White
Ferd A. Gnau	Hobart Rayburn	W. G. Williams
C. L. Hammons	E. S. Robey	Lee Roy Wilson
Ira W. Hulette	John C. Robinson	
John M. Hunnicutt	William T. Rollo	

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Those who voted in the negative were—

F. C. Boyd	S. T. Hamilton	Hubert H. Read
J. F. Carr	W. H. Hunt	Thomas Rigdon
H. S. Cleveland	C. C. May	Joe E. Robinson
Herbert Cook	Elmer McGlothen	Clarence Rush
William J. Curtis	Heman H. McGuire	Parker Sims
Willard Q. Daniel	J. H. McKinney	A. Frank Tabb
Garland Embry	Alton Mitchell	Cass R. Walden
A. H. Eversole	Homer Neikirk	John M. Williams
C. A. Hale	Henry Plum	Terrill A. Wilson
Ralph Hamilton	Kleber F. Price	—29

Resolved that the title thereof be as amended.

Mr. Prichard moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 54. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, be amended by adding thereto as sub-

section 7 the phrase, "Forgery and uttering a forged instrument," so that as amended said section will read:

Section 127. Joinder of offenses in indictment. The offenses named in each of the subdivisions of this section may be charged in one indictment:

1. Larceny and knowingly receiving stolen property.

2. Larceny and obtaining money or property on false pretenses.

3. Larceny and embezzlement.

4. Robbery and burglary.

5. Robbery and assault with intent to rob.

6. Passing or attempting to pass counterfeit money or United States currency or bank notes, knowing them to be such, and having in possession counterfeit money or United States currency or bank notes, knowing them to be such, with the intention of circulating the same.

7. Forgery and knowingly uttering a forged instrument.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Geo. P. Anderson	J. F. Carr	John C. Cornett
J. Everett Bach	George S. Clay	G. Cunningham
William T. Baker	H. S. Cleveland	William J. Curtis
B. F. Bedford	T. Fowler Combs	Willard Q. Daniel
C. P. Bradbury	Herbert Cook	F. E. Daugherty

Sam Dever	H. H. McGuire	W. S. Shanklin
Garland Embry	J. H. McKinney	Parker Sims
A. H. Eversole	Alton Mitchell	A. Frank Tabb
Ferd A. Gnau	Stanley C. Moebus	W. R. Tapp
C. A. Hale	William E. Mull	Carl M. Taylor
Ralph Hamilton	Rodes K. Myers	Gabe B. Taylor
S. T. Hamilton	Henry Plum	Erna E. Tyra
Ira W. Hulette	H. O. Porter	Joe L. Wall
John M. Hunnicutt	Kleber F. Price	Henry Ward
W. H. Hunt	Grover C. Ransom	L. Roger Wells
Ben W. Johnson	Hobart Rayburn	R. E. West
Clyde D. Lester	Thomas Rigdon	J. D. White
Carl Lyttle	E. S. Robey	John M. Williams
John Marshall	Joe E. Robinson	W. G. Williams
D. T. Matlack	William T. Rollo	James W. Young
Peter P. Mattingly	Clarence Rush	Z. Taylor Young
C. C. May	Carl Scheben	—65

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in amendments as proposed and adopted by the House to a bill which originated in that body, entitled:

S. B. 87. An Act to authorize the Commonwealth of Kentucky to take over the Louisville Municipal Bridge.

(For bill and amendments thereto as proposed and adopted by the House, see House Journal of to-day ante)

And respectfully request that the House recede from said amendments.

Mr. Hunnicutt moved that the House do now recede from said amendments.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Gnau and Farnsley, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Ira W. Hulette	Joe E. Robinson
William T. Baker	John M. Hunnicutt	John C. Robinson
B. F. Bedford	Ben W. Johnson	Carl Scheben
Rell Bevins	Clyde D. Lester	Leon J. Shaikun
C. P. Bradbury	John Marshall	W. S. Shanklin
C. C. Byrne	Peter P. Mattingly	Parker Sims
H. S. Cleveland	C. C. May	W. R. Tapp
T. Fowler Combs	Elmer McGlothen	Erna E. Tyra
G. Cunningham	J. H. McKinney	Joe L. Wall
Norman A. Curtis	Rodes K. Myers	Henry Ward
Willard Q. Daniel	Luster C. Oxley	J. D. White
F. E. Daugherty	Henry Plum	John M. Williams
Sam Dever	H. O. Porter	W. G. Williams
C. A. Hale	Kleber F. Price	
S. T. Hamilton	Thomas Rigdon	—43

Those who voted in the negative were—

C. W. Anderson, Jr.	W. H. Hunt	Hubert H. Read
Geo. P. Anderson	William K. King	E. S. Robey
F. C. Boyd	Carl Lyttle	William T. Rollo
J. F. Carr	H. H. McGuire	Clarence Rush
George S. Clay	G. Samuel Milam	A. Frank Tabb
Herbert Cook	Alton Mitchell	Carl M. Taylor
John C. Cornett	Stanley C. Moebus	Gabe B. Taylor
L. M. Davisworth	William E. Mull	Cass R. Walden
Garland Embry	Tyler F. Munford	H. L. Waterfield
A. H. Eversole	Alfred A. Naff	L. Roger Wells
Raymond Eyl	Homer Neikirk	R. E. West
Chas. P. Farnsley	Mel Petry	Lee Roy Wilson
Ferd A. Gnau	E. F. Prichard	Terrill A. Wilson
Ralph Hamilton	Grover C. Ransom	Z. Taylor Young
C. L. Hammons	Hobart Rayburn	—44

Mr. Hunnicutt moved that a Committee on Conference be appointed by the Speaker to act with a like Committee on the part of the Senate to settle the differences between the two Houses.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Hale, Combs and George P. Anderson and Prichard as members constituting said Committee.

Ordered that the Chief Clerk report the action of the House to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or lease voting machines to be used in any or all elections or primary elections; defining and establishing the requirements of said voting machines, the printing of official sample ballots, number of official ballots to be furnished, requiring instructions of voters in use of machine before election, requiring extra ballots in case of loss or theft, providing for emergency if machine is out of order, the method of conducting the election, the location of the voting machine during elections, the time allowed a voter to vote, instructing voters on election day, providing for blind or physically disabled voters, providing for announcing the vote at close of election, and locking the machines, and where the irregular ballots are to be returned, providing the disposition of keys, making the possession of keys to a voting machine by an unauthorized person a crime and providing a penalty therefor. Defining the meaning of

crime used in this act, and repealing all acts in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after passing of this act it shall be and is hereby declared to be legal to conduct and hold elections in the Commonwealth of Kentucky, or any part thereof, either as is now provided for by law or in the manner hereinafter provided for in this act.

§ 2. The Fiscal Court of any county, or the legislative branch or division of any municipality, city, town or other voting district within the Commonwealth of the State of Kentucky, are hereby empowered and authorized to, either separately or jointly, purchase, lease, rent or otherwise procure for use at any election or primary election, any kind of voting machine or machines meeting the requirements of this act, and thereupon and thereafter such voting machines may be used in either a part of or in all of the precincts in such county, municipality, city, town or other voting district either at any or at all elections and/or primary elections held in such county, municipality, city, town or other voting district for voting, registering and counting the votes cast in such elections. After the municipality, city, town or other voting district shall have determined and decided to procure voting machines and adopt, either in whole or in part, the method of voting and conducting elections as herein provided for, notice thereof shall be published in some newspaper printed in the English language and of general circulation in said county, municipality, city, town, or voting district. The purchase price or rental price of such machines, expenses, storage, equipment, maintenance, repair and costs of advertising as above provided for shall be at the expense of and paid for by such county, municipality city, town or voting district, to be allowed, approved

and paid in the same manner as other claims are. All other costs of election such as compensation or pay to officers of election, rental of voting places, delivery of boxes, machines, ballots, election paraphenalia and other costs and expenses incident to the preparation for and conduct of elections shall be paid for by the same agencies or divisions of government and in the same manner as costs of elections are now or may hereafter be paid, except as may hereinafter be provided for.

§ 3. The Fiscal Court of the county, or the legislative body of the municipality, city, town or other voting district so determining to purchase, lease, rent or otherwise procure the use of voting machines and conduct elections as herein-provided for are hereby expressly authorized and empowered to determine and provide for and require such specifications supplementary to the specifications hereinbefore and hereinafter set forth as may be deemed proper for voting machines acquired, or to be acquired for use in said elections, and to select in its or their discretion the type and make of such voting machines, to employ engineers or other skilled persons to advise and aid in the exercise of the powers and duties hereby conferred and required, or may authorize the County Board of Election Commissioners to employ such engineers or other skilled persons herein authorized or provided for. Provided, however, that none of the specifications or requirements herein provided for shall or may at any time be waived except by amendment of this act by the Legislature of the Commonwealth of Kentucky. All voting machines, when purchased, shall be delivered to the Clerk of the County Court of the county in which they are to be used, who shall have the custody of the same for all the purposes of this act subject to the rights and duties of the County Board of Election Commissioners in reference thereto as herein provided. The duties of the Clerk of the County Court in reference to delivery of said machines to and from voting places shall be the same as it is to ballot boxes and other election equipment.

§ 4. Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements; it shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for all candidates of as many political parties or organizations as may make nominations, and for or against as many questions as sumbitted; it shall, except at primary elections, permit the voter to vote for all candidates of one party or in the part for the candidates of one or more other parties, it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same or any office; it shall permit the voter to vote for or against any question he may have the right to vote on; but no other; if used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a "Protective Counter" or Protective Device, whereby any operation, of the machine before or after the time for opening or closing the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided,

however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party, or to vote for any person for any office when the name of such person so desired to be voted for does not appear upon the ballot as a candidate for any office.

§ 5. It is hereby declared to be the duty of the County Board of Election Commissioners, hereinafter called the Board, in each of the respective counties, or any body or board which may hereafter be provided to perform the duties now performed by said County Board of Election Commissioners, where said voting machines are used in any election held within the confines of such county, and said Board is hereby given power and authority to determine what precincts in the confines of said county, municipality, city, town or other voting district shall be first equipped with voting machines, if less than all precincts are to be so equipped at any given time, after the Fiscal Court of said county or the legislative branch or division of any municipality, city, town or other voting district shall first determined to purchase, rent or lease voting machines for use as herein provided; provided further, however, that when the purchase, lease or rental of any number of machines as herein provided for shall have been made as herein provided for, the said County Board of Election Commissioners shall designate such number of precincts as shall permit the use of all such machines whether purchased, leased or rented.

§ 6. All ballots shall be printed on paper or clear white material of such form and size as will fill the ballot frames of the machines. In plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in vertical columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what

push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

§ 7. The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide not less than two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machines as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished a sufficient number of sample ballots (a facsimile of the face of the machines) of a reduced size.

§ 8. It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counter set at zero (000) and otherwise in good and proper order for use at such election, and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, setting, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the committee of at

least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the Board or officials having charge and control of elections together with a written report made by the custodian stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls. All voting machines used in any election

shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

§ 9. The form and arrangement of ballots or ballots labels to be used in all voting machines used under authority of this act shall be arranged and prepared so that the titles of all offices to be voted for shall be arranged either horizontally or vertically, and the names of the candidates of each party or principle shall be arranged under or opposite the proper title, in a horizontal or vertical row or rows for each party or principle; and except that said ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine and further that the designation of the party or principle which each candidate represents shall appear just above the name of each such candidate and provided further that the ballot labels shall be so arranged that exact uniformity (so far as practicable) will prevail as to size and face of printing of all candidate's names and party designations. The ballot labels for questions, including Constitutional Amendments, Referenda and other propositions shall be placed on the machine in the space provided for that purpose and may contain a condensed statement of each proposition to be voted on, accompanied by the word "For" and "Against" or by the words "Yes" and "No". The word "Yes" shall be interpreted as meaning a vote for a constitutional amendment, statute or ordinance referred, or other proposition, and the word "No" as a vote against a constitutional amendment, statute or ordinance referred, or other proposition. The titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit; there shall be printed below the office title the words "Vote for One", "Vote for Two", in accordance with the provisions of the laws of the Commonwealth concerning the governing elections or

such number as the voter is lawfully entitled to vote for out of the whole number of candidates for such office.

At least one voting machine shall be provided for each five hundred registered voters, and the county courts of the respective counties are authorized and directed to re-arrange precinct boundaries and, where necessary, to enlarge or reduce the number of such precincts so as to permit, as far as may be practicable, the use of one voting machine for each five hundred registered voters where said voting machines are used; and provided, further, that each precinct shall be equipped with such number of voting machines, not exceeding one machine for each unit of five hundred voters or fractional part thereof, as the Board shall deem necessary for the proper conduct of any election.

In the polling places of precincts where voting machines are required to be used by the provisions of this Act, such elections in such polling places shall be conducted by the two Judges of election, one Clerk of election and one Sheriff of election the same as provided for in precincts where voting machines are not used. Provided, however, that nothing herein contained shall prevent the use of paper ballots as are now used in elections in polling places for which voting machines are not available or have not been procured; and in such polling places where paper ballots may be used as aforesaid, elections shall be conducted in all respects in accordance with the provisions of law relating to elections held by means of paper ballots.

In the event the two judges of election are unable to agree upon any question which it is their duty to act on or decide then and in such cases the Sheriff of election for said precinct shall be called to cast a vote breaking the tie or deadlock, and his vote shall be final.

All voting machines used in a primary election shall remain locked and sealed for the period of ten days next succeeding the date of the primary election, after which time the

voting machines may be unsealed and unlocked and made available for preparation for use in the succeeding election. Provided, however, that upon receipt of notice of contest, as hereafter provided for, the Board shall, within five days from the receipt of such notice, proceed to inspect and examine the voting machines containing the votes cast for such contested office, and shall make a record of the votes cast for such contested office, and shall make a record of the votes for said contested office shown on said voting machines, which record they shall duly certify as correct and shall affix their signatures thereto, and shall preserve such records so that the same may be available in such contest as evidence of the votes cast for such office upon said voting machines. Such record shall be received as evidence as fully and with as full force and effect as if proved by the oral testimony of the persons who sign the same, or by the production of said voting machines in Court or before said Board. The principals of such contest, and their authorized representatives, shall be permitted to be present at the aforementioned inspection and examination of said voting machines. After such inspection and examination and recording of the results thereof, the said voting machines shall immediately thereafter be released and shall be available for preparation for use in the succeeding election.

No voter, in the use of a voting machine, shall be permitted to occupy more than two minutes while other voters are waiting to use the same.

In the polling places of election precincts where voting machines are used the polls shall be opened at six o'clock A. M. and shall be closed at four o'clock P. M. and, in such polling places, Judges of election, when acting as such, shall be compensated at the same rate, as allowed to Judges of election in all other precincts where elections are conducted, and no more.

Wherever possible, the provisions hereof shall be construed in harmony with existing laws. If any of the provisions

hereof shall be judically declared to be invalid or unconstitutional, the remaining provisions hereof shall not be thereby affected, but shall remain in full force and effect.

§ 10. As used in this Act:

(1) the word "ballot-labels" shall mean the cards, paper, or other material, containing the names of offices and candidates and statements of questions to be voted on;

(2) The word "diagram" shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, offices, and candidates, and statements of the questions, in their proper places, together with the voting devices therefor, and shall be considered a specimen ballot;

(3) The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

(4) The words "vote indicator" shall mean the levers, knobs or handles attached to the face of the machine by means of which the voter indicates his choice of candidates or decision of question;

(5) The words "candidate counters" and "question counters" shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

(6) The words "public counter" shall mean a counter or other device which shall, at all times, publicly indicate how many times the machaine has been voted on at an election;

(7) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated, and shall be so constructed and so connected that it cannot be reset, altered, or operated, except by operating the machine;

(8) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting;

(9) The word "model" shall mean a mechanically

operating model of a portion of the face of the machine, illustrating the manner of voting;

(10) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election, and instructing the election officers in the use of the voting machine;

(11) The words "election" and "elections", whenever used in this act, shall be held to include and mean all general, municipal, primary and special elections;

(12) The word "board" shall mean the County Board of Election Commissioners for that county containing the precincts wherein is located the precincts in which it has been determined to use voting machines as herein provided for;

(13) The words "County Court" and "County Clerk" shall respectively mean the county court of that county containing the precincts in which it has been determined to use voting machines as herein provided for, and "County Clerk" shall mean the Clerk of such County Court.

§ 11. Every voting machine acquired or used under the provisions of this act shall:

(a) Provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted;

(b) Permit each voter, in one operation, to vote for all the candidates of one party for presidential electors:

(c) Permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all parties and from independent nominations; and for any person of the voters choice for any office to be voted for, provided the name of such person of the voters choice is not a candidate for some other office to be voted on at the same election in such case the machine shall provide ways and means for the voter writing in or otherwise indicating the name of the person for whom he desires to vote and then so voting for such person of the voter's choice.

(d) Permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question which appears upon a ballot-label;

(e) Preclude each voter from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once;

(f) Be capable of adjustment by election officers, so as to permit each voter at a primary election to vote only for the candidates seeking nomination my the political party with which he is affiliated, and for whose candidates he is qualified to vote, and so as to preclude him from voting for the candidates seeking nomination by any political party with which he is not affiliated; or for whose candidates he is not qualified to vote;

(g) Permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot-labels, up to the time he begins the final operation to register his vote, or indicated or expresses his intention to register his vote;

(h) Permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for whom any other voter has voted or is voting, save a voter whom he has assisted or is assisting in voting as prescribed by law;

(i) Have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows transverse thereto:

(j) Have a counter, or other device, to be known as a public counter'', the register of which is visible from the out-

side of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting;

(k) Have a protective counter, or other device, the register of which cannot be reset, which shall record the cumlative total number of movements of the operating mechanism;

(l) Be provided with a lock or locks, by means of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented;

(m) Be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting;

(n) Be constructed of material of good quality, in a neat and workmanlike manner;

(o) When properly operated, register or record correctly and accurately every vote cast;

(p) Be so constructed that a voter may readily learn the method of operating it;

(q) Be safely transportable;

(r) Be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism.

§ 12.

(a) The papers, cards or strips, enclosed within the ballot-frame or frames of any voting machine, and containing the names of a candidate or candidates, and his, her or their political party, or the statement of a question to be voted upon, hereinafter referred to as ballot-labels, shall be printed in black ink, upon clear white material, of such size as will fit the ballot frame, and in plain clear type so as to be clearly readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, or question, to be voted on, shall bear the designating letter or

number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot-labels, in brief form, to be determined in the same manner as are questions which appear upon paper ballots, but said questions may appear at the top or side of the ballot-label, the provisions of any other section of this Act to the contrary notwithstanding.

(c) The ballot-label for each candidate or group of candidates, nominated or seeking nomination by a political party, shall contain the name or designation of the political party.

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for and office arranged transversely under or opposite the title of the office.

(e) The names of all candidates, nominated or seeking nomination by a political party, shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party.

(f) When the same person has been nominated for the same office by more than one political party, his name shall appear in the rows or columns containing generally the names of candidates nominated by each such party.

(g) The form and arrangement of ballot-labels, to be used at any election, shall be determined by the clerk of the county shall be determined by the clerk of the county court of the county in which election is being held or the candidates, questions, amendments or issues being voted upon.

(h) In primary elections, the ballot-labels, containing the names of candidates seeking nomination by a political party, shall be segregated on the face of the machine in adjacent rows or columns by parties.

§ 13.

(a) The Board shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct and shall cause each machine to be placed in proper order for voting; and said Board or its duly authorized agent

shall examine each machine before it is sent out to a polling place; shall see that the proper ballot labels are properly arranged on each machine and that each registering counter, except the protective counter, on each machine is set at zero (000); shall lock each machine so that the counting mechanism cannot be operated; and shall seal each machine with a numbered seal. The said Board, or its duly authorized agent, shall adjust each machine, to be used at a primary election, so that the election officers may lock it on primary election day, in such a way that each voter can vote only for the candidates seeking nomination by the political party with which he is affiliated, if he is affiliated with a political party, or for whose candidates he is qualified to vote, and so that no voter can vote for the candidates seeking nomination by any political party with which he is not affiliated, or not entitled to vote.

(b) The said Board shall appoint one custodian of voting machines and three deputy custodians, whose duty it shall be, in conjunction with the clerk of the county court of said county, to prepare the machines to be used in the county at the election to be held therein. Such custodian shall, under, the direction of the said Board, have charge of and represent the said Board during the preparation of the voting machines as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the said Board. Each custodian shall take the constitutional oath of office, which shall be filed with the said Board.

(c) On or before the thirtieth day preceding an election, the said Board shall mail to the chairman of the city committee of each political party, which shall be entitled under existing laws to participate in primary elections within the city, a written notice, stating the times when and the place or places where the machines for use in the several election precincts in the county will be prepared for use. At such times and places, one representative of each of such political par-

ties, certified by the respective chairmen of the district, county or city committees of such parties as the case may be, shall be entitled to be present, and to see that the machines are properly prepared and are placed in proper condition and order for use.

(d) The clerk of the county court in person or by one of his deputies and the custodian and deputy custodians of voting machines shall make a certificate, in writing, which each shall sign, and request each representative of a party as aforesaid present at the preparation of the machine to attest, and which shall be filed with the said board, stating (1) the identifying number or other designation of the voting machine; (2) that each registering counter of the machine was set at zero (000); (3) the number registered on the protective counter or other device of the machine; and (4) the number on the seal with which the machine is sealed.

(e) No Board, or member or employee thereof, nor custodian, nor other officer or person or persons, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the said county clerk and his deputies, the Board and its employees shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

(f) The clerk of the county court of the county wherein voting machines are used shall furnish all ballot-labels, forms of certificates, returns and other papers and supplies, required under the provisions of this act, to be paid for as ballots, ballot books and other election paraphenalia are paid for in precincts where elections are held and conducted without the use of voting machines.

§ 14. The clerk of the county court shall deliver the proper voting machine or voting machines, properly furnished with ballot-labels, to the polling places of the respec-

tive election precincts at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act

(b) The Board shall provide ample protection against molestation of and injury to the voting machine, and, for that purpose, the said Board or any of the Judges of Election shall and may call upon and police officer or other peace officer to furnish such assistance as may be necessary, and it shall be the duty of police officers and other peace officers to furnish such assistance when so requested by the said Board or by any Judge of Election.

(c) The clerk of the county court shall furnish, at the expense of the county, municipality, city, town or voting district providing the voting machines and deliver with each voting machine:

(1) A lantern, or a proper substitute for one, which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot-labels, and suitable for the use of the judges of election in examining the counters. The lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

(2) Two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by illustrated directions for voting on the machine. Such diagrams shall be posted prominently outside the enclosed space within the polling-place.

(3) A mechanically operated model of a portion of the face of a voting machine, for the instruction of voters. Such model shall be placed in the polling-place and at or outside of the guard-rail.

(4) A seal for sealing the machine after the polls are

closed, unless the construction of the machine is such that the machine is automatically locked and sealed when the results are exposed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary, or as may be required by law.

§ 15. Before each election at which voting machines are to be used the Board or the employees thereof or the custodian shall instruct in the use of the machine, and in their duties in connection therewith, all judges of election who are to serve thereat and who have not previously been instructed and found qualified; and they shall give to each judge of election, who has received such instruction and is fully qualified to conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction, the said Board or the custodians shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall, upon notice, attend any such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the elections with the machine. No judge of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the Board or one of the custodians of the machines; Provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy arising on the day of election, or within three days preceding the day of election.

§ 16.

(a) The Board shall deliver the keys, which unlock the operating mechanism and the registering counters or counter compartment of the voting machine, to one of the judges of election not earlier than noon of the third day preceding an election, nor later than three-quarters of an hour before the

time set for the opening of the polls, and shall take the judge's receipt therefor. The keys shall be enclosed in a sealed envelope, on which shall be written or printed: (1) The number of the voting machine; (2) the name or designation of the precinct; (3) the number of the seal; and (4) the number registered on the protective counter or device as reported by the custodian.

(b) No judge of election shall open an envelope so delivered, until another judge of the opposite political party shall be present in the polling-place, and shall have examined the envelope to see that it has not been opened.

(c) Before opening the envelope, both judges of election shall examine the number on the seal on the machine, and the number registered on the protective counter or device, and shall see whether they are the same as the numbers written on the envelope containing the keys. If either number shall be found not to agree, the envelope shall remain unopened until the judges of election shall have notified the custodian of voting machines, or the Board and until the custodian or some other person authorized by the said Board shall have presented himself at the polling-place for the purpose of re-examining the machine, and shall have certified that it is properly arranged.

(d) But if the numbers on the seal and the protective counter or device shall be found to agree with the numbers on the envelope, the judges of election shall examine the registering counters, and, for that purpose, shall open the doors concealing such counters, if the construction of the voting machine shall so require, and, before the polls are opened, the said judges shall carefully examine every registering counter, and shall see that it registers zero (000), with the exception of the protective counter or device, and shall allow the watchers to examine the counters.

(e) If the ballot-labels containing the names of offices, parties, candidates, and questions, shall not be in their proper

places on the voting machine, the judges of election, forthwith, shall notify the custodian of voting machines, or the clerk of the county court or the board, and the machine shall not be used until the custodian, or some other person authorized by the said clerk of the county court or the board, shall have supplied ballot-labels as herein prescribed. If the ballot-labels for a voting machine shall not be delivered at the time required, or, if, after delivery, they shall be lost, destroyed, or stolen, the clerk of the county court or the board or custodian shall cause other ballot-labels to be furnished, prepared, printed or written, as nearly in the form of the official ballot-labels as practicable, and shall cause such ballot-labels to be used in the same manner, as nearly as may be, as the official ballot-labels would have been used.

(f) The judges of election shall sign a certificate showing: (1) the identifying number or other designation of the voting machine; (2) the delivery of the keys in a sealed envelope; (3) the number on the seal upon the machine; (4) the number registered on the protective counter or device; (5) that all of the counters were set at zero (000); (6) that the ballot-labels are properly placed in the machine; and (7) that every vote indicator in connection with or belonging to a blank space immediately adjacent (either horizontally or vertically) to the space containing the name of any candidate or the word "Yes" or "No", "For" or "Against", in connection with any question, is locked against operation, which certificate shall be returned by the judges of election to the Board with the other certificates as hereinafter provided.

(g) The machine shall remain locked against voting until the polls are opened, and shall not be operated except by voters in voting. If any counter except the protective counter or device, is found not to register zero (000), the judges of election shall immediately notify the custodian, or the Board, who shall, if practicable, adjust or cause the counters to be adjusted at zero (000); but, if it shall be found

impracticable for the custodian or other person authorized by the said Board to arrive in time so to adjust such counters before the time set for opening the polls, the judges shall immediately make a written record of the designation or designating letter or number of each counter, together with the number registered thereon, hereinbelow called the initial number, and shall sign and post the same upon the wall of the polling-place, where it shall remain until the polls are closed; and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the election officers shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the judges of election shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained, and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number.

(h) The exterior of the voting machine, and every part of the polling-place, shall be in plain view of the judges of election and watchers. Every voting machine shall be located in the polling-place, at least six feet back of the guard-rail, in such a position that, unless its construction shall require otherwise, the ballot-labels on the face of the machine can be seen plainly by the judges of election and watchers when the machine is not occupied by a voter. The judges of election shall not themselves be, nor allow any other person to be, in any position that that will permit one to see or ascertain how a voter votes, or how he has voted. The said judges, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot-labels are in their proper places, and that the machine has not been injured or tampered with.

(i) During an election, the door, or other covering of

the compartment containing the counters of the machine, shall not be unlocked or opened, or the counters exposed, except by the action of the proper custodian of voting machines for good and sufficient reason, a statement of which shall be made in writing and signed by him and attested by the signatures of the judges of election, or except upon the written order of the Board for good and sufficient reason which shall be stated in the order.

§ 17. (a) During the thirty days next preceding an election, the Board shall place on public exhibition, in such public place, on such days, and at such times as they may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot-labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, as far as practicable, the names and arrangement of the candidates to be voted for. Such machine or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election.

(b) During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view, and the doors, or cover concealing the same, shall be opened, if at all, only temporarily, and only upon written authorization from the Board.

(c) Prior to any election the Board may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling-places, to be made, either in full size or in reduced size, and to be posted, published, advertised or distributed among the voters in such manner as the said Board may deem desirable.

§ 18. (a) The judges of election shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter, before he enters the voting

machine booth, regarding the operating of the machine, and shall give the voter opportunity personally to operate the model.

(b) No voter shall be permitted to receive any assistance in voting at any election, unless he shall declare under oath to the judges of election that by reason of blindness or physical disability he is unable to read the names upon the ballot-labels or to see the machine, or, without assistance, to prepare it for voting, or enter the voting machine booth without assistance. Upon making and filing with the judges such affidavit, the voter shall retire to a voting machine, with two of the judges of opposite political parties, and then and there one of said judges in the presence of the other shall operate the machine as such voter shall direct, the voter himself orally naming one by one the candidates for whom he desires his vote to be recorded or by indicating the candidates by a general designation as the candidates of any one political party. Such disabled voter desiring to vote for or against any proposed amendment, or on any submitted question, must, without suggestion of any kind made by either of the judges, state orally the amendment or question upon which he desires to vote and whether he desires to vote "Yes" or "No" or "For" or "Against" such amendment or question. The ballot-label shall not be read to such voter, nor shall any suggestion of any kind be made by either of said judges to show him as to how his choice shall be indicated, but the only assistance which it shall be lawful for the judges to give him is to move the vote indicators as he, without prompting or suggestion from them or either of them, shall direct, but no voter shall be assisted under this section until the two judges of election and the sheriffs of election shall be satisfied of the truth of the fact stated in such affidavit. Voters who are not unable, by reason of blindness or physical disability, to operate the machine without assistance shall not be entitled to receive assistance in so doing. And with the exception in favor of persons blind or incapable by reason of physical

disability of operating a voting machine without assistance, no distinction or discrimination in the matter of assistance in operating such machine shall be made for or against any duly registered voter for any other cause whatever. The voter shall state in his affidavit the specific physical disability which requires him to receive assistance, and the judges of election shall enter in writing on the record of assisted voters: (1) the voter's name; and (2) the specific physical disability which required him to receive assistance.

(c) If, however, any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the matter of voting, then two of the judges of opposite political parties shall give him such instructions, but no such judge shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the voter closes the booth or votes, the judges shall retire, and the voter shall forthwith vote.

§ 19. In primary elections, before a voter is admitted to the voting machine, it shall be adjusted by a judge of election in charge thereof so that such voter will only be able to vote for the candidates of the party with which he is affiliated.

§ 20. At any general election, at which presidential electors are to be chosen, the machine shall be so adjusted that each voter shall be enabled to vote, by one operation, for all the presidential electors of a party. For each party nominating presidential electors, a ballot-label shall be provided, containing only the word "Presidential Electors", preceded by the name of the party, and followed by the names of the candidates thereof for the offices of President and Vice-President, and the corresponding counters or registering devices shall register votes cast for said electors when thus voted for collectively, but the machine shall be so prepared that it shall be possible for the voter to indicate his choice of

as many candidates for the position of presidential elector as there are presidential electors to be elected.

§ 21. (a) When the polls are closed, all qualified voters, who are then waiting in line to vote, shall be permitted by the judges to do so. As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating: (1) that the machine has been locked against voting and sealed; (2) the number of voters, as shown on the public counters; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective counter or device.

(b) The judges, in the presence of the watchers and all other persons who may be lawfully within the polling-place shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of the watchers, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the designation or designating numbers and letters on each counter, and the results as shown by the counter numbers for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on triplicate return sheets, and also on a gen-

eral return sheet and statement, all of which, after the canvass is completed, shall be signed by the judges. The vote for presidential electors shall be computed and returned as provided herein. If more than one voting machine is used in any precinct, the vote registered on each machine shall be ascertained in like manner, and separately entered in appropriate spaces on the general and triplicate return sheets and statement. The total vote cast for each candidate, and for and against each question, shall then be computed and entered on the general and triplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, triplicate return sheets shall be prepared for each party. The registering counters of the voting machines shall remain exposed to view until the said returns and all other reports have been fully completed. During such time, any candidate, or duly accredited watcher, who may desire to be present, shall be admitted to the polling-place.

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of each candidate, the designation or designating numbers and letters of his counters and the vote registered on each counter, also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed

and locked and the return sheet shall be signed by each of the judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall then be secretly sealed with sealing wax, or other sealing material, and each of the judges shall write his name across the fold of the envelope. One of the triplicate return sheets shall be directed to the County Board of Election Commissioners of the county in which election is being held, one to the local governing body of each of the two dominant political parties, and the general return sheet and statement shall be directed and immediately delivered to the clerk of the county court of the county in which said precinct is located, together with the keys of the voting machine, inclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Said envelope shall have indorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) As soon as possible after the completion of the count, the clerk of the county court for the county in which said precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

§ 22. The general return sheet, triplicate return sheets, and statement, shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling-place. Thereupon, each of the judges shall take into his possession two of the above mentioned return sheets, sealed up in its envelope as aforesaid, and the meeting of said judges shall then be dissolved. There-

upon the said judges shall forthwith deliver the said return sheets to the respective officers and persons to whom they are addressed, as aforesaid, and shall take receipts therefor. The judges representing each of the two dominant political parties shall take the envelope addressed to the local governing authority of the party with which said respective judges are affiliated, also one of the judges shall take and deliver the envelope addressed to the Board and the other judge shall take and deliver the envelope addressed to the county clerk.

§ 23. After each general or special election, the voting machine shall remain locked against voting for the thirty days next following such election, except that it may be opened and all the data and figures therein examined, upon the order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee authorized and empowered to investigate and report upon contested elections affected by the use of such machine, and such data and such figures shall be examined by such court, judge or committee in the presence of the officer having the custody of such machine. In the event of a contest of election the court in which such contest is pending or the committee before which said contest is being heard may upon motion of any party to said contest issue an order requiring that said voting machines shall remain continuously locked for such further time as may be reasonable or necessary, with due regard for the preparation of said machines for a succeeding primary, general or special election, but in no event shall such order compel that said machines remain locked to a time within thirty days next preceding any such approaching primary, general or special election.

§ 24. Whenever it shall appear that there is a discrepancy in the returns of any precinct, or, upon petition of three voters of any precinct, verified by affidavit, that an error, although not apparent on the face of the returns, has been committed therein, the Board shall, at any time prior to the completion of the computation of all of the returns for the

said election, summon the officers of election of the precinct, and said officers, in the presence of said Board, shall make a record of the number of the seal upon the voting machine, and, without unlocking the machine against voting, shall recanvass the vote cast thereon. Before causing such recanvass, the said Board shall give notice in writing to the custodian of voting machines, and to each candidate, and to the chairman of the city committee of each party affected by the canvass, and each such candidate may be present in person, or by attorney, and each of such parties may send two representatives to be present at such recanvass. If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said Board, with the assistance of the custodian, in the presence of the judges of election and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said Board. If, upon such recanvass, it shall appear that the original canvass of the returns by the election officers was incorrect, the said returns and all papers being prepared by the said Board shall be corrected accordingly: Provided, however, that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified or notice to someone previously designated by such candidate as the person upon whom notice could be served.

§ 25. (a) The clerk of the county court shall have the

custody of all voting machines, and the keys therefor, when the machines are not in use at an election, and shall provide for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places as provided by this section.

§ 26. Any officer of election, or other person, who shall violate any of the provisions of this act, or who shall tamper with, injure, or attempt to injure, any voting machine to be used or being used in an election, or who shall prevent, or attempt to prevent, the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment for not more than one year, or to pay a fine not exceeding one thousand dollars ($1,000.), or both, in the discretion of the court.

§ 27. Except as modified by the provisions of this act, the general laws regulating general, municipal, primary, special, and other elections shall apply to all elections in accordance with the provisions of this act.

§ 28. If any of the provisions of this act shall be judicially declared to be invalid or unconstitutional, the remaining provisions thereof shall not be thereby affected, but shall remain in full force and effect.

§ 29. AND BE IT FURTHER ENACTED, That all laws or portions of laws inconsistent with or or in conflict with the provisions hereof are hereby repealed to the extent of such inconsistency or conflict herewith, but not otherwise.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ferd A. Gnau	H. O. Porter
Geo. P. Anderson	Ira W. Hulette	Kleber F. Price
J. Everett Bach	John M. Hunnicutt	Grover C. Ransom
William T. Baker	Ben W. Johnson	Hobart Rayburn
B. F. Bedford	William K. King	Thomas Rigdon
Rell Bevins	Clyde D. Lester	William T. Rollo
F. C. Boyd	Carl Lyttle	Carl Scheben
C. P. Bradbury	D. T. Matlack	Leon J. Shaikun
C. C. Byrne	Peter P. Mattingly	W. S. Shanklin
J. F. Carr	Elmer McGlothen	Parker Sims
H. S. Cleveland	H. H. McGuire	A. Frank Tabb
John C. Cornett	Jas. H. McKinney	W. R. Tapp
G. Cunningham	Stanley C. Moebus	S. J. Wagner
Norman A. Curtis	Alfred A. Naff	Henry Ward
Willard Q. Daniel	Homer Neikirk	L. Roger Wells
Garland Embry	Luster C. Oxley	W. G. Williams
A. H. Eversole	Mel Petry	James W. Young
Raymond Eyl	Henry Plum	—53

Those who voted in the negative were—

Herbert Cook	William E. Mull	Erna E. Tyra
F. E. Daugherty	E. S. Robey	H. L. Waterfield
S. T. Hamilton	Carl M. Taylor	R. E. West
C. L. Hammons	Gabe B. Taylor	John M. Williams
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Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to,

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 133. An Act amending and re-enacting Sec. 4281g-1 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being an Act relating to a tax on admissions.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 10)

Said amendment as proposed and adopted by the Senate is as follows, viz:

Amend H. B. 133, line 10 by adding after the word "commission" and before the word "and", a "," and by inserting thereafter the words: "athletic contests, of which one of the contesting teams is composed exclusively of students of any educational institution in Kentucky"

Said amendment was then concurred in.

Said bill was then passed as amended,

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Herbert Cook	Ralph Hamilton
William T. Baker	Norman A. Curtis	C. L. Hammons
B. F. Bedford	Willard Q. Daniel	Ira W. Hulette
Rell Bevins	F. E. Daugherty	John M. Hunnicutt
C. P. Bradbury	Garland Embry	W. H. Hunt
C. C. Byrne	A. H. Eversole	Ben W. Johnson
George S. Clay	Raymond Eyl	William K. King
H. S. Cleveland	Ferd A. Gnau	Clyde D. Lester

Carl Lyttle	Hobart Rayburn	S. J. Wagner
Peter P. Mattingly	Thomas Rigdon	Joe L. Wall
Elmer McGlothen	John C. Robinson	Henry Ward
H. H. McGuire	William T. Rollo	H. L. Waterfield
J. H. McKinney	Clarence Rush	L. Roger Wells
Stanley C. Moebus	Carl Scheben	R. E. West
William E. Mull	Leon J. Shaikun	J. D. White
Tyler F. Munford	W. S. Shanklin	John M. Williams
Homer Neikirk	Parker Sims	Lee Roy Wilson
Luster C. Oxley	A. Frank Tabb	James W. Young
Henry Plum	W. R. Tapp	Z. Taylor Young
Kleber F. Price	Carl M. Taylor	
Grover C. Ransom	Gabe B. Taylor	

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Those who voted in the negative were—

D. T. Matlack	H. O. Porter	Wm. St. C. Stuart

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Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of the House.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes, 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1893d-9, 1893d-10 and 1893d-11 of the Car-

roll's Kentucky Statutes, be repealed, amended and re-enacted so that when so amended will read as follows:

1893d-9. Number and size of fish which may be taken.—No person shall take, or catch, or have in his possession more than ten (10) black bass, nor more than ten (10) trout, nor more than fifteen (15) rock bass or "goggle eye" nor more than fifteen (15) crappie, nor more than fifteen (15) jack salmon or wall eyed pike nor more than fifteen (15) striped bass in any one day, nor take, nor have in his possession any black bass, nor trout under eleven (11) inches in length, nor any crappie under eight (8) inches in length; provided, however, that any person having fished two days in succession may have in possession a total not to exceed twenty (20) black bass, or trout, thirty (30) rock bass or "goggle eye," or thirty (30) crappie, or thirty (30) jack salmon or wall eyed pike, or thirty (30) striped bass.

1893d-10. Seining for minnows permitted.—It shall be lawful for any person or persons to take from the public waters of this State minnows to be used for bait for fishing with pole and line, hand line, set lines or trot lines with minnow seine. Said seine shall not be more than ten feet in length, four feet in width or height with mesh not larger than a quarter of an inch. Minnows, within the meaning of this act, shall be all fish under six inches in length, except bass, rock bass, or goggle eye, trout, crappie jack salmon or wall eyed pike, or striped bass.

1893d-11. Sale of certain fish prohibited.—It shall be unlawful to sell or offer for sale in this state any small mouth black bass, large mouth black bass, crappie or jack salmon or wall eyed pike, or striped bass.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ben W. Johnson	Carl Scheben
William T. Baker	William K. King	Leon J. Shaikun
B. F. Bedford	Clyde D. Lester	W. S. Shanklin
Rell Bevins	Carl Lyttle	Parker Sims
C. P. Bradbury	Peter P. Mattingly	A. Frank Tabb
C. C. Byrne	Elmer McGlothen	W. R. Tapp
George S. Clay	H. H. McGuire	Carl M. Taylor
H. S. Cleveland	J. H. McKinney	Gabe B. Taylor
Herbert Cook	Stanley C. Moebus	S. J. Wagner
Norman A. Curtis	William E. Mull	Joe L. Wall
Willard Q. Daniel	Tyler F. Munford	Henry Ward
F. E. Daugherty	Homer Neikirk	H. L. Waterfield
Forest C. Easley	Luster C. Oxley	L. Roger Wells
Garland Embry	Henry Plum	R. E. West
A. H. Eversole	Kleber F. Price	J. D. White
Ferd A. Gnau	Grover C. Ransom	John M. Williams
Ralph Hamilton	Hobart Rayburn	Lee Roy Wilson
C. L. Hammons	Thomas Rigdon	James W. Young
Ira W. Hulette	Joe E. Robinson	Z. Taylor Young
John M. Hunnicutt	John C. Robinson	
W. H. Hunt	Clarence Rush	

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Those who voted in the negative were—

D. T. Matlack	H. O. Porter	—2

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 155. An Act fixing the time of holding Court in the Sixth Judicial District composed of Daviess, Hancock and McLean Counties and to that extent amending Section Seven of an Act Entitled:

"An Act creating the Thirty-Eighth Judicial District of Kentucky, fixing the time of holding courts thereof; changing the Sixth, Seventh and Eighth Judicial Districts and fixing the time of holding the courts thereof; providing for the appointment and election of a Circuit Judge and a Commonwealth's Attorney for the Thirty-eighth Judicial District, and declaring an emergency to exist,"

and which said Act was heretofore passed by the present Legislature and became a law on the 20th day of January, 1938.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Courts shall be held in the Sixth Judicial District as follows:

DAVIESS COUNTY AT OWENSBORO

On the First Monday in January, 18 Juridical days
On the First Monday in February, 18 Juridical days
On the Third Monday in May, 12 Juridical days
On the Second Monday in June, 18 Juridical days
On the Second Monday in September, 12 Juridical days
On the First Monday in October, 18 Juridical days
On the First Monday in December, 12 Juridical days

HANCOCK COUNTY AT HAWESVILLE

On the Fourth Monday in February, 12 Juridical days
On the First Monday in July, 12 Juridical days
On the Fourth Monday in October, 12 Juridical days

McLEAN COUNTY AT CALHOUN

On the Third Monday in March, 12 Juridical days
On the First Monday in May, 12 Juridical days
On the Third Monday in July, 12 Juridical days
On the Second Monday in November, 12 Juridical days

This Act shall be effective on and after August 1, 1938.

All laws and parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Homer Neikirk
William T. Baker	C. L. Hammons	Luster C. Oxley
B. F. Bedford	Ira W. Hulette	Henry Plum
Rell Bevins	John M. Hunnicut	Kleber F. Price
C. P. Bradbury	W. H. Hunt	Grover C. Ransom
C. C. Byrne	Ben W. Johnson	Hobart Rayburn
George S. Clay	William K. King	Thomas Rigdon
H. S. Cleveland	Clyde D. Lester	John C. Robinson
Herbert Cook	Carl Lyttle	William T. Rollo
Norman A. Curtis	Peter P. Mattingly	Clarence Rush
Willard Q. Daniel	Elmer McGlothen	Carl Scheben
F. E. Daugherty	H. H. McGuire	Leon J. Shaikun
Garland Embry	Jas. H. McKinney	W. S. Shanklin
A. H. Eversole	Stanley C. Moebus	Parker Sims
Raymond Eyl	William E. Mull	A. Frank Tabb
Ferd A. Gnau	Tyler F. Munford	W. R. Tapp

Carl M. Taylor	H. L. Waterfield	Lee Roy Wilson
Gabe B. Taylor	L. Roger Wells	James W. Young
S. J. Wagner	R. E. West	Z. Taylor Young
Joe L. Wall	J. D. White	
Henry Ward	John M. Williams	—61

Those who voted in the negative were—

D. T. Matlack	H. O. Porter	—2

Resolved that the title thereof be as aforesaid—

Mr. Hunnicutt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 69. An Act to repeal and re-enact Sub-section One thousand one hundred and thirty-seven (1137-1) of Kentucky Statutes, Carroll's edition of 1936, being chapter One hundred and sixty-three (163) of the Acts of the General Assembly of 1920, relating to the death penalty for the crime of rape.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section one of section one thousand one hundred and thirty-seven (1137-1) of the Kentucky Statutes, Carroll's edition of 1936, being chapter 163 of the Acts of the General Assembly of 1920, be and the same is hereby repealed, and re-enacted to read as follows:

"That from and after the period that this law shall take effect the mode of the execution of a death sentence must in

every case be by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible, and the application of such current must be continued until the condemned is dead.

All executions of the death penalty by electrocution shall take place within the walls of the state penitentiary, hereafter indicated by the Board of Prison Commissioners, and in such enclosure as will exclude public view thereof."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Sad bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Ralph Hamilton	Homer Neikirk
William T. Baker	C. L. Hammons	Luster C. Oxley
B. F. Bedford	Ira W. Hulette	Henry Plum
Rell Bevins	John M. Hunnicutt	Kleber F. Price
C. P. Bradbury	W. H. Hunt	Grover C. Ransom
C. C. Byrne	Ben W. Johnson	Hobart Rayburn
George S. Clay	William K. King	Thomas Rigdon
H. S. Cleveland	Clyde D. Lester	John C. Robinson
Herbert Cook	Carl Lyttle	William T. Rollo
Norman A. Curtis	Peter P. Mattingly	Clarence Rush
Willard Q. Daniel	Elmer McGlothen	Carl Scheben
F. E. Daugherty	H. H. McGuire	Leon J. Shaikun
Garland Embry	J. H. McKinney	W. S. Shanklin
A. H. Eversole	Stanley C. Moebus	Parker Sims
Raymond Eyl	William E. Mull	A. Frank Tabb
Ferd A. Gnau	Tyler F. Munford	W. R. Tapp

Carl M. Taylor	H. L. Waterfield	Lee Roy Wilson
Gabe B. Taylor	L. Roger Wells	James W. Young
S. J. Wagner	R. E. West	Z. Taylor Young
Joe L. Wall	J. D. White	
Henry Ward	John M. Williams	—61

Those who voted in the negative were—

D. T. Matlack	H. O. Porter	—2

Resolved that the title thereof be as aforesaid—

Mr. Hunnicut moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 368. An Act to provide for the investigation and study of wages of women and minors in trade and industry in the state of Kentucky etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 26)

Said amendments as proposed and adopted by the Senate, are as follows, viz:

Amend H. B. 368 in Senate on page 5 by striking therefrom all of Section 5.

Amend the title to H. B. 368 in Senate by striking therefrom in lines 7 and 8 the words: "appropriating money for the administration thereof"

Said amendments were each concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

William T. Baker	Ira W. Hulette	Hobart Rayburn
B. F. Bedford	W. H. Hunt	Thomas Rigdon
Rell Bevins	Ben W. Johnson	William T. Rollo
F. C. Boyd	H. H. McGuire	Leon J. Shaikun
C. P. Bradbury	J. H. McKinney	W. S. Shanklin
C. C. Byrne	Alton Mitchell	Parker Sims
J. F. Carr	Stanley C. Moebus	Wm. St. C. Stuart
George S. Clay	William E. Mull	A. Frank Tabb
H. S. Cleveland	Tyler F. Munford	W. R. Tapp
G. Cunningham	Rodes K. Myers	S. J. Wagner
Norman A. Curtis	Homer Neikirk	Joe L. Wall
Willard Q. Daniel	Luster C. Oxley	H. L. Waterfield
F. E. Daugherty	Mel Petry	J. D. White
L. M. Davisworth	Henry Plum	John M. Williams
Sam Dever	H. O. Porter	Lee Roy Wilson
Ferd A. Gnau	Kleber F. Price	Mr. Speaker
Ralph Hamilton	Grover C. Ransom	—51

Those who voted in the negative were—

Herbert Cook	Hubert H. Read	Carl Scheben
A. H. Eversole		—5

Resolved that the title thereof be as amended.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 151. An Act providing for the payment of premium on the official bonds of county clerks, county sheriffs, county jailers etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 3)

Said amendments as proposed and adopted by the Senate are as follows, viz:

Amend H. B. 151 in line 2, page 1, by striking the figures "75,000" and inserting in lieu thereof the figures "5,000"

Amend the title to H. B. 151 by striking the figures "75,000" and inserting in lieu thereof the figures "5,000"

Said amendments were each concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	F. E. Daugherty	C. L. Hammons
J. Everett Bach	L. M. Davisworth	W. H. Hunt
F. C. Boyd	Sam Dever	Ben W. Johnson
C. P. Bradbury	Forest C. Easley	William K. King
C. C. Byrne	Garland Embry	Clyde D. Lester
J. F. Carr	A. H. Eversole	D. T. Matlack
George S. Clay	Raymond Eyl	Elmer McGlothen
H. S. Cleveland	Chas. P. Farnsley	H. H. McGuire
Herbert Cook	Ferd A. Gnau	J. H. McKinney
G. Cunningham	Ralph Hamilton	Stanley C. Moebus
Norman A. Curtis	S. T. Hamilton	John B. Mollette

William E. Mull	E. S. Robey	Gabe B. Taylor
Alfred A. Naff	Joe E. Robinson	S. J. Wagner
Homer Neikirk	John C. Robinson	Cass R. Walden
Mel Petry	William T. Rollo	Henry Ward
Henry Plum	Carl Scheben	H. L. Waterfield
H. O. Porter	W. S. Shanklin	R. E. West
Ed F. Prichard	Parker Sims	J. D. White
Grover C. Ransom	A. Frank Tabb	John M. Williams
Hubert H. Read	W. R. Tapp	Lee Roy Wilson
Thomas Rigdon	Carl M. Taylor	James W. Young

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Those who voted in the negative were—

B. F. Bedford	Hobart Rayburn	—2

Resolved that the title thereof be as amended.

Mr. Hunnicutt moved that the vote by which said bill was passed, as amended be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The Committee on Conference heretofore appointed by the Speaker to meet with a like Committee on the part of the Senate, to consider the amendments proposed and adopted to S. B. 87 by the House, in which the Senate refused to concur and the House refused to recede, offered the following report:

We, the undersigned, the Conference Committee, consisting of members of the House, and members of the Senate,

decide that S. B. 87 should be passed without amendment and recommend that the House recede.

	Yea	No
Signed	T. O. Turner	George P. Anderson
	P. M. Basham	
	E. F. Prichard	
	C. A. Hale	
	T. Fowler Combs	

Mr. Gnau moved that the House refuse to concur in the Conference report.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. King and Clay, were as follows, viz:

Those who voted in the affirmative were—

Geo. P. Anderson	Chas. P. Farnsley	Mel Petry
William T. Baker	Ferd A. Gnau	Hubert H. Read
F. C. Boyd	C. L. Hammons	E. S. Robey
J. F. Carr	W. H. Hunt	William T. Rollo
George S. Clay	William K. King	Carl Scheben
Herbert Cook	Carl Lyttle	Leon J. Shaikun
John C. Cornett	J. H. McKinney	A. Frank Tabb
L. M. Davisworth	Stanley C. Moebus	Erna E. Tyra
Forest C. Easley	William E. Mull	Cass R. Walden
Garland Embry	Tyler F. Munford	H. L. Waterfield
A. H. Eversole	Alfred A. Naff	L. Roger Wells
Raymond Eyl	Homer Neikirk	Lee Roy Wilson

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Those who voted in the negative were—

J. Everett Bach	T. Fowler Combs	Sam Dever
B. F. Bedford	G. Cunningham	C. A. Hale
C. P. Bradbury	Norman A. Curtis	Ralph Hamilton
H. S. Cleveland	F. E. Daugherty	S. T. Hamilton

Ira W. Hulette	Grover C. Ransom	Joe L. Wall
Ben W. Johnson	Thomas Rigdon	Henry Ward
Clyde D. Lester	Joe E. Robinson	R. E. West
D. T. Matlack	John C. Robinson	J. D. White
Elmer McGlothen	W. S. Shanklin	John M. Williams
Rodes K. Myers	Parker Sims	W. G. Williams
Henry Plum	W. R. Tapp	Mr. Speaker
H. O. Porter	Carl M. Taylor	
Ed F. Prichard	Gabe B. Taylor	—37

Mr. Myers moved that the House do now recede from said amendments, pursuant to the Conference Report.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. King and Gnau, were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	S. T. Hamilton	Thomas Rigdon
B. F. Bedford	Ira W. Hulette	Joe E. Robinson
C. P. Bradbury	Ben W. Johnson	John C. Robinson
C. C. Byrne	Clyde D. Lester	Leon J. Shaikun
H. S. Cleveland	Carl Lyttle	W. S. Shanklin
T. Fowler Combs	D. T. Matlack	Parker Sims
G. Cunningham	Elmer McGlothen	W. R. Tapp
Norman A. Curtis	J. H. McKinney	Carl M. Taylor
F. E. Daugherty	Rodes K. Myers	Gabe B. Taylor
L. M. Davisworth	Henry Plum	Joe L. Wall
Sam Dever	H. O. Porter	Henry Ward
C. A. Hale	Ed F. Prichard	J. D. White
Ralph Hamilton	Hobart Rayburn	John M. Williams

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Those who voted in the negative were—

C. W. Anderson, Jr.	J. F. Carr	John C. Cornett
Geo. P. Anderson	George S. Clay	Forest C. Easley
F. C. Boyd	Herbert Cook	A. H. Eversole

Raymond Eyl	William E. Mull	Carl Scheben
Chas. P. Farnsley	Tyler F. Munford	A. Frank Tabb
Ferd A. Gnau	Alfred A. Naff	Erna E. Tyra
C. L. Hammons	Homer Neikirk	Cass R. Walden
John M. Hunnicutt	Mel Petry	H. L. Waterfield
W. H. Hunt	Grover C. Ransom	L. Roger Wells
William K. King	E. S. Robey	R. E. West
Stanley C. Moebus	William T. Rollo	Lee Roy Wilson

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Thereupon the House receded from the amendments heretofore proposed and adopted by the House, to said bill.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

The question being taken on the passage of said bill, it was decided in the negative and said bill was rejected, having failed to receive a Constitutional majority.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. F. Bedford	Ralph Hamilton	E. F. Prichard
C. P. Bradbury	S. T. Hamilton	Thomas Rigdon
C. C. Byrne	Ira W. Hulette	Joe E. Robinson
H. S. Cleveland	Ben W. Johnson	John C. Robinson
T. Fowler Combs	Clyde D. Lester	W. S. Shanklin
G. Cunningham	Carl Lyttle	W. R. Tapp
Norman A. Curtis	J. H. McKinney	Joe L. Wall
F. E. Daugherty	Tyler F. Munford	Henry Ward
Sam Dever	Rodes K. Myers	J. D. White
C. A. Hale	H. O. Porter	

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Those who voted in the negative were—

C. W. Anderson, Jr.	W. H. Hunt	E. S. Robey
Geo. P. Anderson	William K. King	William T. Rollo
F. C. Boyd	D. T. Matlack	Carl Scheben
J. F. Carr	Elmer McGlothen	Leon J. Shaikun
George S. Clay	Alton Mitchell	A. Frank Tabb
Herbert Cook	Stanley C. Moebus	Carl M. Taylor
John C. Cornett	William E. Mull	Gabe B. Taylor
Garland Embry	Alfred A. Naff	Erna E. Tyra
A. H. Eversole	Homer Neikirk	Cass R. Walden
Raymond Eyl	Luster C. Oxley	H. L. Waterfield
Chas. P. Farnsley	Mel Petry	L. Roger Wells
Ferd A. Gnau	Henry Plum	R. E. West
C. L. Hammons	Grover C. Ransom	John M. Williams
John M. Hunnicutt	Hobart Rayburn	Lee Roy Wilson

—42

Mr. Gnau moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hunnicutt moved that the vote by which the House agreed that the vote by which said bill was rejected be reconsidered and that motion laid on the table, be reconsidered.

Said motion was disagreed to, having failed to receive a majority of all the members elected as provided by the Rules of this House.

The yeas and nays being required thereon by Messrs. Gnau and Farnsley, were as follows, viz:

Those who voted in the affirmative were—

B. F. Bedford	H. S. Cleveland	F. E. Daugherty
F. C. Boyd	T. Fowler Combs	L. M. Davisworth
C. P. Bradbury	G. Cunningham	Sam Dever
C. C. Byrne	Norman A. Curtis	C. A. Hale

Ralph Hamilton	J. H. McKinney	John C. Robinson
S. T. Hamilton	Rodes K. Myers	W. S. Shanklin
Ira W. Hulette	Luster C. Oxley	W. R. Tapp
John M. Hunnicutt	Henry Plum	Gabe B. Taylor
W. H. Hunt	H. O. Porter	Joe L. Wall
Ben W. Johnson	E. F. Prichard	Henry Ward
Clyde D. Lester	Hobart Rayburn	J. D. White
Carl Lyttle	Thomas Rigdon	John M. Williams
Elmer McGlothen	Joe E. Robinson	—38

Those who voted in the negative were—

C. W. Anderson, Jr.	William K. King	E. S. Robey
J. F. Carr	Alton Mitchell	William T. Rollo
George S. Clay	Stanley C. Moebus	A. Frank Tabb
Herbert Cook	William E. Mull	Erna E. Tyra
A. H. Eversole	Alfred A. Naff	Cass R. Walden
Chas. P. Farnsley	Homer Neikirk	H. L. Waterfield
Ferd A. Gnau	Mel Petry	R. E. West
C. L. Hammons	Grover C. Ransom	Lee Roy Wilson
		—24

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth.

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth.

H. Res. 51. Resolution authorizing Jewel Ferguson and

Edna Ferguson to sue the Commonwealth and State Highway Commission.

H. Res. 52. Resolution authorizing personal representative of George Baber, deceased, to sue the Commonwealth and State Highway Commission.

H. Res. 53. Resolution authorizing Fred Henry Lewis, an infant, by his statutory guardian or next friend to sue the Commonwealth.

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, to sue the Commonwealth and State Highway Commission.

H. Res. 55. Resolution authorizing Harold Jernigan to sue the Commonwealth and the State Highway Commission.

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth and State Highway Commission.

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth and State Highway Commission.

H. Res. 59. Resolution authorizing J. B. Westerfield to sue the Commonwealth and State Highway Commission.

H. Res. 62. Resolution authorizing Lillie Hopkins as administratrix and personal representative of estate of J. M. Hopkins to sue the Commonwealth.

H. Res. 63. Resolution authorizing Robert Jameson to sue the Commonwealth.

H. Res. 65. Resolution authorizing George A. Caswell to sue the Commonwealth.

H. Res. 67. Resolution authorizing Oscar Carrison to sue the Commonwealth.

H. Res. 69. Resolution authorizing Bruce Peters to sue the Commonwealth.

H. Res. 70. Resolution authorizing E. R. McGuire to sue the Commonwealth.

H. Res. 71. Resolution authorizing E. E. Sandefur to sue the Commonwealth and State Highway Department.

H. Res. 72. Resolution authorizing Omelia Bowen Murphy to sue the Commonwealth.

H. Res. 73. Resolution authorizing Leo Caproni to sue the Commonwealth.

H. Res. 76. Resolution authorizing Mary Utley Brown to sue the Commonwealth.

H. Res. 81. Resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth.

H. B. 74. An Act to amend charters of cities of the second class to provide for creation of civil service commission.

H. B. 152. An Act to give police judges in cities of the first and second classes power of probation for first offenders.

H. B. 162. An Act to increase annual fees of members of the Kentucky State Bar Association from $2.00 to $3.00.

H. B. 219. An Act to re-enact the law regulating the practice of pharmacy.

H. B. 221. An Act to regulate the sale of appliances, drugs and medicinal preparations intended or having special utility for the prevention of venereal diseases.

H. B. 225. An Act to provide for a $100.00 exemption from the State's lien upon the estate of a recipient of old age assistance.

H. B. 226. An Act to provide special lien books for county clerks and for the keeping of records of liens against the estates of recipients of old age assistance by county clerks.

H. B. 227. An Act to vest powers of notary public in the director and all official representatives and field investigators of the Division of Public Assistance.

H. B. 233. An Act to extend to non-resident wholesalers the same ten percent commission allowed Kentucky wholesalers for affixing stamps on cigarettes.

H. B. 252. An Act to change the name of Glasgow Junction, Barren County, to Park City, Barren County.

H. B. 256. An Act to exempt single unit stores from the 1936 Chain Store Tax.

H. B. 259. An Act to provide that newly elected mayors take office on December 1.

H. B. 265. An Act to prescribe method of making property assessment in cities of the first class.

H. B. 267. An Act to increase from $350,000.00 to $500,000.00 the amount of indebtedness which a public library in first class cities may incur.

H. B. 269. An Act to provide for the levy of occupational taxes by the City of Louisville.

H. B. 270. An Act to provide that members of legislative bodies of first class cities take office December 1.

H. B. 274. An Act to regulate the manner of correcting errors in assessments in cities of the first class.

H. B. 283. An Act to provide for the creation of a board of equalization in the City of Louisville.

H. B. 284. An Act to regulate membership in fraternal benefit societies.

H. B. 286. An Act to regulate the manner of acquiring property for park purposes in first class cities.

H. B. 287. An Act to define land improvement and personal property for purposes of tax assessment and require assessment annually on July 1st.

H. B. 292. An Act to add Southgate, Campbell County, to fifth Class cities.

H. B. 295. An Act to change time of holding court in the Thirteenth Judicial District.

H. B. 320. An Act to assess abutting property owners for street improvements made with W. P. A. aid in cities of the third class.

H. B. 348. An Act to limit salary of sheriff of Fayette County to $5,000.00 a year, and salaries of deputies and clerical assistants to $20,000.00 a year.

H. B. 357. An Act to fix a maximum tax of $1.25 on each $100.00 value of distilled spirits in warehouses for city school purposes.

H. B. 358. An Act to authorize cities of the first class to levy a property tax of from four to ten cents on each $100.00 valuation of property to purchase sites for schools and construct new schools.

H. B. 413. An Act to provide for civil service boards in cities of the third class.

H. B. 176. An Act to provide for increase of $500.00 in monthly advancements to county tax commissioners of counties having a city of the first class to defray expenses.

H. B. 199. An Act to allow county tax commissioners fee of ten cents per list for poll tax lists.

H. B. 49. An Act to amend Section 4399-32 Kentucky Statutes, Carroll's 1936 Edition, relating to expenses of board members for attending meetings.

H. B. 401. An Act to repeal, amend, and re-enact Section 24, Chapter 1, of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said Section now being codified as Section 4291c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

H. Res. 35. To pay Miss Sarah Margaret Layman for her services rendered as stenographer to the investigating committee appointed during the 1936 session.

H. Res. 64. To authorize payment of certain claims against the Commonwealth.

H. Res. 68. To appropriate $70 out of the general expenditure fund to C. D. Houchins.

H. Res. 78. To appropriate $48.60 to pay A. H. Boles for serving as special bailiff.

H. Res. 79. To appropriate money to pay bonus to employees of the Senate and House.

H. B. 179. T. Fowler Combs. To repeal and re-enact the Barbers and Beauticians law by requiring the registration of barber and beauty culture instructors and placing supervision in a board of Barber and Beautician Examiners.

H. B. 114. An Act to license and regulate real estate brokers in cities of the first and second classes and within five miles thereof.

H. B. 213. An Act to extend probation power to circuit and quarterly courts in all cases except where sentence is life imprisonment or death.

H. B. 343. An Act to enable second class cities to issue revenue bonds to acquire hospitals.

H. B. 355. An Act to fix salary of justices of the peace in Jefferson county at $200.00 a month.

H. Res. 32. Resolution authorizing the State Health Department to cooperate with the Public Health Service and Children's Bureau under Social Security Act.

H. Res. 66. Resolution authorizing payment of $329.00 to G. L. Langdon, former sheriff of Clay County.

H. Res. 74. Resolution to appropriate $1,430.00 to Brooks Hargrove and $880.00 to Marshall Barnes, clerk and assistant clerk of the House for services rendered in proof reading House Journals.

H. Res. 79. Resolution to appropriate money to pay bonus to employees of the Senate and House.

H. Res. 83. Resolution authorizing personal representative of Hoyt Hedges, deceased, to sue Fayette County and the Fiscal Court of Fayette County.

H. B. 51. An Act to prohibit boards of education or school superintendents from adopting rules preventing marriage of any school teacher who has had five years or more teaching experience.

H. B. 80. An Act to fix registration fee of $15.00 a year for school bus drivers.

H. B. 116. An Act to provide for confinement in city jail or workhouse persons convicted of petit larceny committed within city limits.

H. B. 189. An Act to enable insurance companies by by-laws to require directors to own more than five shares of stock and such qualified shares be deposited with the treasurer of company.

H. B. 238. An Act to change the time for filing certificates and petitions of nomination for independent candidates with the Secretary of State to not more than seventy-five days nor less than forty-five days for the election of the person in nomination.

H. B. 241. An Act to require foreign insurance corpo-

rations to pay one-half of one percent of their premiums in Kentucky to the Department of Fire Prevention and Rates.

H. B. 243. An Act to require foreign insurance companies, other than life, to pay tax of $2.00 on each $100.00 of premiums collected in Kentucky.

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H. B. 388. An Act relating to fees for examinations of banks.

H. Res. 60. Joint Resolution providing for furnishing Kentucky Directory.

H. B. 392. An Act relating to the improvement of streets, etc. in cities of the fifth and sixth classes by contract with W. P. A. or other agencies.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

Mr. Easley of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

S. B. 154. An Act regulating offices of insurance agents within the Commonwealth.

S. B. 71. An Act to change the time of holding court in the 24th judicial district.

S. B. 38. An Act to authorize counties to enter into contract with cities of hospitalization of poor and indigent persons.

S. B. 166. An Act to provide educational opportunities for the orphans of soldiers killed in action or died during the World War.

S. B. 42. An Act to make it unlawful for persons to enter into agreement with sureties for deposit of money and assets which they are held responsible for in certain banks.

S. B. 4. An Act to allow prisoners credit on prison terms for time served in jail through inability to procure bail.

S. B. 134. An Act to amend the law relating to firemen's pension funds in cities of the first class.

S. B. 208. An Act to enable cities and counties to acquire land for aviation fields.

S. B. 11. An Act to require operations of all vehicles to stop before passing a school bus on a public highway which shall be stopped for the purpose of receiving or discharging passengers.

S. B. 89. An Act to outlaw traps or other devices which do not either take alive unhurt or kill at once fur-bearing animals.

S. Res. 8. Resolution authorizing Emma J. Young to sue the Commonwealth.

S. Res. 10. Resolution to authorize Eva Jane Pennington to sue the Commonwealth.

S. Res. 11. Resolution to authorize Mary Jane Hayes and Tom Hayes to sue the Commonwealth.

S. Res. 16. Resolution to authorize Tex Wallace to sue the Commonwealth.

S. Res. 31. Resolution to authorize A. L. Schooler to sue the Commonwealth.

S. Res. 17. Resolution to authorize Henry T. McClure to sue the Commonwealth.

S. Res. 35. Resolution to authorize Dora Delpha to sue the Commonwealth.

S. Res. 21. Resolution to authorize Ethel Carr to sue the Commonwealth.

S. Res. 26. Resolution to authorize W. H. Housman to sue the Commonwealth.

S. Res. 33. Resolution to authorize Hiram Brock to sue the Commonwealth.

S. Res. 34. Resolution to authorize Sanford England to sue the Commonwealth.

S. Res. 38. Resolution to authorize C. C. Law to sue the Commonwealth.

S. Res. 47. Resolution providing for the appointment of a Committee of members of the Senate and House to investigate prices of tobacco.

S. Res. 48. Resolution authorizing Robert Jameson to sue the Commonwealth.

S. Res. 49. Resolution to provide for J. B. Westerfield to sue the Commonwealth.

S. Res. 58. Resolution to authorize George Luttrell and Nora Luttrell to sue the Commonwealth.

S. Res. 19. Resolution to authorize Lavina Pope to sue the Commonwealth.

S. Res. 59. Resolution for the benefit of the ministers of the churches of Frankfort.

S. B. 34. An Act authorizing Boards of Trustees of public libraries to issue bonds not exceeding $10,000.00 for equipping building.

S. B. 56. An Act to amend law concerning the manner of commitment of World War veterans and duties of their guardians and committees.

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate.

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency by the board of directors with the consent of the Director of the Division of Banking.

S. B. 59. An Act to fix compensation of an executor, administrator or curator not to exceed five per cent of the value of real and personal estate of decedent as determined for inheritance tax purposes, plus five percent of the income collected by the executor, administrator, or curator for the estate.

S. B. 60. An Act to fix compensation of trustees of estates, guardians of infants and committees of idiots or lunatics at five percent of the income collected by such fiduciary and an annual commission of one-fifth of one percent of the fair value of real and personal estate in the care of fiduciary.

S. B. 79. An Act to amend statute relating to the indebtedness or obligation of a person, company or firm to a trust company by fixing maximum amount of liability not to

exceed thirty per cent of the paid up capital stock and actual surplus of the trust company.

S. B. 80. An Act to amend the law relating to the indebtedness or obligation of a person, company or firm to a bank by fixing the maximum amount of liability not to exceed thirty per cent of the paid up capital and surplus of bank.

S. B. 83. An Act to provide that banks incorporated under the laws of any other State shall not do business in this State, except to lend money.

S. B. 92. An Act to create in the Library Extension Division of the Department of Library and Archives a State Board for the Certification of Librarians which shall consist of the State Librarian, head of the Library Extension Division and five members to be appointed by the Governor from a list submitted by the Board of Directors of the Kentucky Library Association.

S. B. 95. An Act to increase jury commissioners compensation to $3.00 a day.

S. B. 102. An Act to amend the statutes relating to the publication of statements of financial conditions of State banks.

S. B. 103. An Act to amend the law relating to the duties of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, trust company and banking and title insurance company.

S. B. 104. An Act to fix the minimum amount of capital stock of banks, trust companies, combined banks and trust companies and trust banking and insurance companies.

S. B. 106. Uniform law providing for the issue of warehouse receipts obligations and rights of warehousemen upon receipts and penalties for violation.

S. B. 135. An Act to provide that no bank or trust company shall accept future date drafts or bills of exchange to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus, except by authority of the director of the Division of Banking.

S. B. 165. An Act setting out method of collection of deposits in closed banks secured by the Federal Deposit Insurance Corporation.

S. B. 170. An Act to provide for the exchange of information between the banking department and other properly authorized groups.

S. B. 171. An Act to amend the Blue Sky laws regarding investments and brokers.

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, bank and trust companies and title insurance companies.

S. B. 179. An Act to authorize combined banks and trust companies to own stock of the Federal Reserve Bank within the federal reserve district where such combined banks and trust companies are located.

S. B. 182. An Act to prohibit any person or officer of the Commonwealth from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority and acquired in satisfaction of loan indebtedness to it without first having obtained the consent of the supervising authority.

S. B. 210. An Act to authorize State Banking and Securities Commissioner to enter into banking litigation in the courts of the Commonwealth.

S. Res. 12. Resolution authorizing John R. Clarke, Jr. and Edith S. Clarke to sue the Commonwealth.

S. Res. 13. Resolution authorizing personal representative of Jasper Johnson, deceased, to sue the Commonwealth

S. Res. 36. Resolution to appropriate $50.00 from the general fund for the purpose of paying Ben C. Sewell for services rendered as special eliser to summon witnesses.

S. Res. 37. Resolution to appropriate from the general fund $122.08 for the payment of two claims ordered and issued by the Breathitt Circuit Court.

S. Res. 44. Resolution authorizing Myrtle Cade to sue the Commonwealth and State Highway Commission.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society to sue the Commonwealth and Highway Commission.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth and State Highway Department.

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth and State Highway Department.

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth.

S. Res. 62. Resolution to appropriate $332.66 from the

general fund to pay claim of D. P. Dingus, deputy sheriff of Floyd County.

S. Res. 63. Resolution authorizing Anna Henderson Smith to sue Fayette County and the Fiscal Court.

S. Res. 68. Resolution permitting bills and resolutions to be enrolled by typing or printing on safety paper.

S. B. 26. An Act to authorize county attorneys of Jefferson county to employ stenographer an annual salary not to exceed $1,500.00.

S. B. 35. An Act to require health certificates before marriage license can be issued.

S. B. 37. An Act providing for a constitutional amendment authorizing women to hold public office.

S. B. 48. An Act to amend Sec. 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain Criminal Law.

S. B. 54. An Act to amend Sec. 127 of the Criminal Code of Practice so that the offense of forgery and uttering a forged instrument may be charged in one indictment.

S. B. 69. An Act to fix electrocution instead of hanging as penalty for rape.

S. B. 77. An Act to enable counties, municipalities, cities, towns or other voting districts to rent or buy voting machines.

S. B. 81. An Act to amend the statute relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking by providing for reduction of capital and how impairment shall be made good.

S. B. 82. An Act to amend the banking laws so as to provide to the holders of nonassessable preferred capital stock issued by a bank or trust company exemption from assessment to restore impairment of capital and rights with respect to dividends.

S. B. 100. An Act to amend the statutes relating to the jurisdiction of notaries public.

S. B. 118. An Act to amend the law relating to independent school districts.

S. B. 119. An Act to re-enact the statutes on Kentucky state board of dental examiners.

S. B. 123. An Act to increase the salary of the Governor from $6,500 a year to $10,000 a year.

S. B. 155. An Act to fix the time of holding circuit court in sixth judicial district.

S. B. 161. An Act to amend the statutes pertaining to the size and prohibiting the sale of jack salmon and wall eyed pike.

S. B. 168. An Act to change the town of Evarts, Harlan county from sixth to fifth class city.

S. B. 197. An Act to enable the State Board of Agriculture to co-operate with county and community fairs in offering of premiums.

S. B. 201. An Act to authorize the State Highway Commission to expend money apportioned various counties of the State for county roads and bridges.

S. B. 204. An Act to grant Confederate pensions to widows of Confederate veterans who married prior to January 1, 1916.

S. B. 148. An Act to provide for the purchase, location and relocation of rights of way by the State Highway Commission.

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth.

H. Res. 46. Resolution providing for Carroll's 1936 Kentucky Statutes, Baldwin's 1937 Statutes Service and Carroll's 1938 Kentucky Codes of Practice for General Assembly.

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth.

H. Res. 51. Resolution authorizing Jewel Ferguson and Edna Ferguson to sue the Commonwealth and State Highway Commission.

H. Res. 52. Resolution authorizing personal representative of George Baber, deceased, to sue the Commonwealth and State Highway Commission.

H. Res. 53. Resolution authorizing Fred Henry Lewis, an infant, by his statutory guardian or next friend to sue the Commonwealth.

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, to sue the Commonwealth and State Highway Commission.

H. Res. 55. Resolution authorizing Harold Jernigan to sue the Commonwealth and the State Highway Commission.

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth and State Highway Commission.

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth and State Highway Commission.

H. Res. 59. Resolution authorizing J. B. Westerfield to sue the Commonwealth and State Highway Commission.

H. Res. 62. Resolution authorizing Lillie Hopkins as administratrix and personal representative of estate of J. M. Hopkins to sue the Commonwealth.

H. Res. 63. Resolution authorizing Robert Jameson to sue the Commonwealth.

H. Res. 65. Resolution authorizing George A. Caswell to sue the Commonwealth.

H. Res. 67. Resolution authorizing Oscar Garrison to sue the Commonwealth.

H. Res. 69. Resolution authorizing Bruce Peters to sue the Commonwealth.

H. Res. 70. Resolution authorizing E. R. McGuire to sue the Commonwealth.

H. Res. 71. Resolution authorizing E. E. Sandefur to sue the Commonwealth and State Highway Department.

H. Res. 72. Resolution authorizing Omelia Bowen Murphy to sue the Commonwealth.

H. Res. 73. Resolution authorizing Leo Caproni to sue the Commonwealth.

H. Res. 76. Resolution authorizing Mary Utley Brown to sue the Commonwealth.

H. Res. 81. Resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth.

H. B. 74. An Act to amend charters of cities of the second class to provide for creation of civil service commission.

H. B. 152. An Act to give police judges in cities of the first and second classes power of probation for first offenders.

H. B. 162. An Act to increase annual fees of members of the Kentucky State Bar Association from $2.00 to $3.00.

H. B. 219. An Act to re-enact the law regulating the practice of pharmacy.

H. B. 221. An Act to regulate the sale of appliances, drugs and medicinal preparations intended or having special utility for the prevention of venereal diseases.

H. B. 225. An Act to provide for a $100.00 exemption from the State's lien upon the estate of a recipient of old age assistance.

H. B. 226. An Act to provide special lien books for county clerks and for the keeping of records of liens against the estates of recipients of old age assistance by county clerks.

H. B. 227. An Act to vest powers of notary public in the director and all official representatives and field investigators of the Division of Public Assistance.

H. B. 233. An Act to extend to non-resident wholesalers the same ten per cent commission allowed Kentucky wholesalers for affixing stamps on cigarettes.

H. B. 245. An Act to repeal occupational taxes except on restaurants, ice cream and soft drink parlors, theatres, billard and pool rooms, bowling alleys and cigarette stores.

H. B. 252. An Act to change the name of Glasgow Junction, Barren County, to Park City, Barren County.

H. B. 256. An Act to exempt single unit stores from the 1936 Chain Store Tax.

H. B. 259. An Act to provide that newly elected mayors take office on December 1.

H. B. 265. An Act to prescribe method of making property assessment in cities of the first class.

H. B. 267. An Act to increase from $350,000.00 to $500,000.00 the amount of indebtedness which a public library in first class cities may incur.

H. B. 269. An Act to provide for the levy of occupational taxes by the City of Louisville.

H. B. 270. An Act to provide that members of legislative bodies of first class cities take office December 1.

H. B. 274. An Act to regulate the manner of correcting errors in assessments in cities of the first class.

H. B. 283. An Act to provide for the creation of a board of equalization in the City of Louisville.

H. B. 284. An Act to regulate membership in fraternal benefit societies.

H. B. 286. An Act to regulate the manner of acquiring property for park purposes in first class cities.

H. B. 287. An Act to define land improvement and personal property for purposes of tax assessment and require assessment annually on July 1st.

H. B. 292. An Act to add Southgate, Campbell County, to fifth class cities.

H. B. 295. An Act to change time of holding court in the Thirteenth Judicial District.

H. B. 320. An Act to assess abutting property owners for street improvements made with W. P. A. aid in cities of the third class.

H. B. 348. An Act to limit salary of sheriff of Fayette County to $5,000.00 a year, and salaries of deputies and clerical assistants to $20,000.00 a year.

H. B. 357. An Act to fix a maximum tax of $1.25 on each $100.00 value of distilled spirits in warehouses for city school purposes.

H. B. 358. An Act to authorize cities of the first class to levy a property tax of from four to ten cents on each $100.00 valuation of property to purchase sites for schools and construct new schools.

H. B. 413. An Act to provide for civil service boards in cities of the third class.

H. B. 176. An Act to provide for increase of $500.00 in monthly advancements to county tax commissioners of counties having a city of the first class to defray expenses.

H. B. 199. An Act to allow county tax commissioners fee of ten cents per list for poll tax lists.

H. B. 49. An Act to amend Section 4399-32 Kentucky Statutes, Carroll's 1936 Edition, relating to expenses of board members for attending meetings.

H. B. 401. An Act to repeal, amend, and re-enact Section 24, Chapter 1, of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said Section now being codified as Section 4291c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

H. Res. 35. To pay Miss Sarah Margaret Layman for her services rendered as stenographer to the investigating committee appointed during the 1936 session.

H. Res. 64. To authorize payment of certain claims against the Commonwealth.

H. Res. 68. To appropriate $70 out of the general expenditure fund to C. D. Houchins.

H. Res. 78. To appropriate $48.60 to pay A. H. Boles for serving as special bailiff.

H. Res. 79. To appropriate money to pay bonus to employees of the Senate and House.

H. B. 179. T. Fowler Combs. To repeal and re-enact the Barbers and Beauticians law by requiring the registration of barber and beauty culture instructors and placing supervision in a board of Barber and Beautician Examiners.

H. B. 379. An Act revising the fish and game laws.

H. B. 371. An Act to set up safety code for motorists.

H. B. 160. An Act to amend act of 1936 Session of the General Assembly creating the Statutes Committee to revise the Kentucky Statutes by changing the word "law" to "plan."

H. B. 55. An Act to increase salary of Attorney General from $4,000.00 to $5,000.00 a year, increasing salaries of assistants and providing for two law clerks.

H. B. 220. An Act to clarify passenger motor transportation law.

H. B. 114. An Act to license and regulate real estate brokers in cities of the first and second classes and within five miles thereof.

H. B. 213. An Act to extend probation power to circuit and quarterly courts in all cases except where sentence is life imprisonment or death.

H. B. 343. An Act to enable second class cities to issue revenue bonds to acquire hospitals.

H. B. 355. An Act to fix salary of justices of the peace in Jefferson county at $200.00 a month.

H. Res. 32. Resolution authorizing the State Health Department to cooperate with the Public Health Service and Children's Bureau under Social Security Act.

H. Res. 66. Resolution authorizing payment of $329.00 to G. L. Langdon, former sheriff of Clay County.

H. Res. 74. Resolution to appropriate $1,430.00 to Brooks Hargrove and $880.00 to Marshall Barnes, clerk and assistant clerk of the House for services rendered in proof reading House Journals.

H. Res. 79. Resolution to appropriate money to pay bonus to employees of the Senate and House.

H. Res. 83. Resolution authorizing personal representative of Hoyt Hedges, deceased, to sue Fayette County and the Fiscal Court of Fayette County.

H. Res. 8. Resolution authorizing Mrs. D. J. Harman to sue the Commonwealth.

H. Res. 80. Resolution to appropriate $1.00 a day for each day of the legislative session to ten Capitol employees.

H. B. 19. An Act to permit limited partners of a corporation to become active and companies to use name of non-active member.

H. B. 57. An Act to permit cities of the fifth class to organize police departments.

H. B. 129. An Act relating to alcoholic liquor control.

H. B. 210. An Act to require that road houses obtain permits from county courts to operate outside limits of corporate cities.

H. B. 262. An Act to regulate and limit the liability of hotel and inn keepers.

H. B. 307. An Act to provide for method of annexing incorporated municipalities to cities of the first class.

H. B. 385. An Act to provide for the purging of registration list before the August, 1938, primary election and repealing Louisville's Model Registration Law.

H. B. 372. Uniform drivers' Act.

H. B. 51. An Act to prohibit boards of education or school superintendents from adopting rules preventing marriage of any school teacher who has had five years or more teaching experience.

H. B. 80. An Act to fix registration fee of $15.00 a year for school bus drivers.

H. B. 116. An Act to provide for confinement in city jail or workhouse persons convicted of petit larceny committed within city limits.

H. B. 189. An Act to enable insurance companies by bylaws to require directors to own more than five shares of stock and such qualified shares be deposited with the treasurer of company.

H. B. 238. An Act to change the time for filing certificates and petitions of nomination for independent candidates with the Secretary of State to not more than seventy-five days nor less than forty-five days for the election of the person in nomination.

H. B. 241. An Act to require foreign insurance corpo-

rations to pay one-half of one per cent of their premiums in Kentucky to the Department of Fire Prevention and Rates.

H. B. 243. An Act to require foreign insurance companies, other than life, to pay tax of $2.00 on each $100.00 of premiums collected in Kentucky.

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H. B. 395. An Act to provide that owners of motor vehicles must have public liability insurance before license can be obtained.

H. B. 135. An Act to repeal, amend and re-enact Section 2380b-9, Section 2380b-11, and Section 2380b-12 of Carroll's Statutes, Baldwin's 1936 Revision, relating to the mode of electing officers for Drainage Districts provided for under these sections, and fixing their compensation, and declaring an emergency.

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H. B. 388. An Act relating to fees for examination of banks.

H. Res. 60. Joint Resolution providing for furnishing Kentucky Directory.

H. B. 133. An Act amending and re-enacting Sec. 4281g-1 Carroll's Kentucky Statutes, Baldwin's 1936 Revision being an Act relating to a tax on admissions.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors in trade and industry in the state of Kentucky, etc.

H. B. 151. An Act providing for the payment of premium on the official bonds of county clerks, county sheriffs, county jailers and circuit clerks, etc.

H. Res. 49. Resolution authorizing Clayton Stokes to sue the Commonwealth.

H. B. 392. An Act relating to the improvement of streets, etc., in cities of the fifth and sixth classes by contract with W. P. A. or other agencies.

H. B. 18. An Act repealing, amending and re-enacting Sec. 2554c-1, Baldwin's Kentucky Statutes Service, being Sec. 1 Chapter 1 of the Acts of the 1936 Regular session, providing for a referendum to be submitted to the voters of any precinct district, town, city or county to determine when this Act shall become effective in each respective precinct, etc.

Thereupon all other business was suspended and said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and resolution which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of the House deliver said bills and resolutions which originated in the House, to the Senate.

After a time the Enrolling Clerk of the House delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk, deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hunnicutt moved that the Speaker appoint a Committee of the House to wait upon the Senate and inform that body that the House has now completed the business before it and requests the Senate to appoint a like Committee to act in

conjunction with the Committee on the part of the House to wait upon the Governor and inform him that the House and Senate, composing this General Assembly of Kentucky have completed the business before them and are now ready to adjourn sine die, and to inquire whether the Governor has a further communication to make.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. James H. McKinney, Hobart Rayburn, Gabe B. Taylor, Sam Dever and Peter Mattingly as members constituting said Committee.

After a time the Committee aforesaid reported that they had discharged the duties imposed upon them and that they had been informed by the Governor that he had no further communication to make.

The Journals of the House were then read and compared and approved by the House.

And then the House adjourned sine die.

Approved: JOHN KIRTLEY
Speaker House of Representatives

Attest: BROOKS L. HARGROVE
Chief Clerk, House of Representatives

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—To—

HOUSE JOURNAL

REGULAR SESSION

—of the—

GENERAL ASSEMBLY

1938

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